

**Milton Town Council Workshop
Milton Library, 121 Union Street
Monday, March 9, 2015, 6:30pm**

Minutes are not Verbatim

Transcriptionist: Helene Rodgville

Note: We continue to experience interruptions while people are speaking. It is not possible to get an accurate set of minutes, if you're not going to allow people to finish their thoughts.

1. Call to Order – Mayor Jones
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call – Mayor Jones

Councilman Garde	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Councilman Kost	Present
Mayor Jones	Present
Councilman West	Absent

5. Public Participation

Mayor Jones: I'm going to try something this evening. If you want to talk in public participation about something other than the Charter, you're welcome to come to the microphone. If your comments are about the Charter, what we'd like to do is go page by page, so that everybody is following along. If that is acceptable to Council, again I would invite you if you have a public participation item other than the Charter to come forward at this time.

- Richard Miller, Grist Mill Drive: Mayor and Council, I don't want to suck up to the police, but at the parade yesterday you and your guys did a fantastic job. I was on the sidelines and I was very impressed with the presence, so thank you.

Mayor Jones: Would anyone else like to say something, or perhaps you didn't plan on staying through the whole meeting and you wanted to say something, I just want to give you the opportunity.

- Steve Crawford, 216 Ridge Road: Actually this is about the Charter, but this is generic question, so going section by section would help. I look at the Charter document as a requirements document. It's a requirements document in the fact that it tells the citizen's how you folks are going to run the government and it allows us to understand how the government's going to be run. In a previous life, I was a Project Manager and I worked with people who wrote requirements documents and those people had the right documents that were clear and concise and to the point, so that when the system software coder's could do their coding, there was no ambiguity. It's either black or white, because when you're doing software development, it either does it or it doesn't do it. It either will or it won't. So as I was going through the document last night, I noticed a lot of verbs in there that I would like you to consider changing and I'm just making this recommendation, okay? Anytime you see the word “may”, that's open for interpretation;

or “shall”, or “should”, or “could”. I think all those verbs should be replaced with the word “will”. You will do this and if you're not going to do it, you don't have to say why, because the document doesn't tell you what you're not going to do; but it will tell you what you're supposed to do and maybe under what conditions. So from a clarity point-of-view, maybe from a legalese point-of-view, I would ask you to consider that. I will get into one specific. There is a Section 15 that talks about the Duties of the Mayor and the President of the Council. The paragraph underneath there it doesn't talk about the President of the Council, so that's basically my generic comment about the document. It should tell us what you will do, what we will expect and be very clear and concise about that.

- Jeff Dailey, 211 Grist Mill Drive: It's always been my understanding that “shall” is the more legally binding. Is that not the case? Perhaps you could better answer that Mr. Thompson.

Seth Thompson: Sure, during Steve's comments I jotted some notes down. I understand his point in terms of a requirements document. I think it's important to think of the Charter as your Town's Constitution. Legally there is a difference between "shall" and "may". "Shall" is mandatory, "may" is permissive. So it wouldn't work in I would say a lot of instances in your Charter and we can get into specifics, but a number of the things in your Charter are authorizing you to do things, so when you look at that Enumeration of Powers section, that's talking about what the Town "may" elect to do. Just as an easy example, you guys "may" elect to regulate shade trees on the streets, parkways, grounds. You guys "may" elect to regulate a lot of things. You "may" not decide to do so, so for instance a lot of licensing requirements. You "may" decide, I'll take a good example. I think it received some discussion last year, in terms of imposing a fee on vacant commercial buildings in your town center and the ultimate resolution of that discussion at that point was that the Council wasn't in favor of doing that, or at least they weren't in favor enough to enact an ordinance to apply that. So that's a good example of you're authorized to do it, based on your Charter, but you might choose not to. The same thing with the sewerage treatment plant. Your Charter says you guys "may" have a sewerage treatment plant. A prior Council chose to privatize that. So there are a lot of circumstances where the "may" is actually important. If we change it to "shall" or will, that means that you're going to regulate and license every business that occurs in town. That means you're going to have a sewerage treatment plant. That means you're going to regulate the firing of guns in town. That means you're making that requirement to do all of those things, so I think as we go through, it will become more apparent, but it is important when it says "shall" vs. "may". Very often "shall" comes up if you've made an election to do something. So let's say you elect to use your power of eminent domain and take a property to expand a street. So that might be a "may", but then once you make that election, there are going to be a bunch of “shalls” laying out the process for you to do that. So if you choose to do this, you “shall” give the property owner notice and you “shall” pay just compensation for the taking... So I don't think we can be as broad as saying all of those terms need to be mandatory requirements. We can deal with it as we go. That's my general response.

- Ginny Weeks, 119 Clifton Street: I want to address Section 29, Sub-Section 10, where you're removing a requirement for a 50' setback from both high tide over fresh water ponds, lakes and rivers. I agree that that does not belong in the Charter, because if somebody has a piece of property and they need a 48' setback, they can't go to the Board of Adjustment and get it fixed, but I disagree totally with removing this before you have us protected somewhere else, such as in the Planning and Zoning Ordinance and I would suggest that you send this immediately to Planning and Zoning to enact such an Ordinance, so that it can be addressed by the Board of Adjustment if it needs to. If not, you're leaving a window of opportunity open for anybody who has riverfront property to come in and get a building permit to build right on the shore. Thank you. Because I don't believe the State regulates rivers and so on and I'm not sure how much of a setback the Army Corps of Engineers would require. I think it's up to you to protect us. Thank you.
- Seth Thompson: Just to follow up on that comment. I think Mrs. Weeks is correct that when the Charter and certainly Councilman Garde chime in if I misstate anything; that really is a zoning regulation. It seems odd that that's in your Charter. Frankly, I was surprised to see it there. I'm not so sure that when we're reviewing plans are aware of that. I think the Town Engineer or an engineer representing a developer or anybody that wants to build on their property, wouldn't look in the Charter for something like that. I think I'd look in your zoning ordinance.
- Councilman Garde: I would make a brief comment. The reason that the Charter and Ordinance Committee recommended it's deletion, is exactly as you said. It's something we felt did not belong in the Charter. However, Mrs. Weeks' comment that we should verify that something similar, or that we are protected in our Ordinances, is something that I, for one, would be happy to take up in the Charter and Ordinance Committee to assure that that comment is taken care of; whether we refer it to Planning and Zoning, I will personally check what the Code does say, or what it doesn't say, and then bring a recommendation to Council, whether it should go to Planning and Zoning or just have the Ordinance...
- Ginny Weeks: Thank you, I just think that the Council has to refer it to Planning and Zoning. I'm not sure that you can.
- Councilman Garde: I would only recommend. Thank you, Ginny. You're right, I can't.
- Mayor Jones: Mr. Collier, you have this document actually in PowerPoint. Does everybody have copies or have had the opportunity to have the redline copy of this?
- John Collier: It's not PowerPoint, but I have it.
- Mayor Jones: I don't know that we're going to be able to see much with the lighting, as is, either.
- John Collier: Yes, this side of the room it doesn't do well; the dimmer is on the other end of the building.
- Mayor Jones: We'll be good for a little bit.
- Councilman Garde: We still have a few minutes where we can see.

6. Additions or Corrections to the Agenda

7. Agenda Approval

8. Workshop style discussion regarding proposed amendments to the Town Charter

Mayor Jones: Okay Council, going page by page, whoever wants to start with a comment or Mr. Thompson do you want to start?

Seth Thompson: I'm certainly willing to lead the discussion and I worked with the Charter and Ordinance Committee toward the end of their process, so definitely Mr. Collier or Councilman Garde chime in if I misstate something or if I wasn't aware of the rationale behind some of the recommendations. Looking at page 1, Section 1, Incorporation. Number one, there's a missing comma, so it says that John Milton is a proponent of public education democracy. I guess that could be a thing, but I think that was probably meant to be public education, democracy. But there was a question in terms of is any of that really verifiable? So I think the Committee's thought was let's stick to what we know and can confirm that he was an English educator, poet and philosopher. So that was the rationale for Section 1. Section 2, the Territorial Limits. You can see that you have a long description of what we call the meets and bounds legal description. The trend, at least from what I see at the legislature, is to move to what you guys have done here, which is just having a town map, rather than seemingly going to have to have your Charter changed to fix the meets and bounds every time a property is annexed in. So that's why it then refers to the town map.

Mayor Jones: Was that Appendix A that was just up there?

John Collier: That's a version of Appendix A. You will actually see something a little different.

Councilman Garde: No Appendix A is an issue dated map document.

Mayor Jones: Very good.

Seth Thompson: So moving onto page 2, again at the top that's the rest of the strikethrough is the legal description and I guess this brings us to a general comment. The Committee was very diligent in going through and trying to give some sort of uniformity to how the Mayor and Council are referenced. There are a lot of times where it just says the Council. Sometimes it says the Mayor and Council. Sometimes it says Town Council. Whenever you see a difference, there's this legal argument that that was then intended. There's this notion that seemingly every word is intended, although I think in reality that probably overstates how much things are thought through as piecemeal changes get made, but the argument would be that it just says Council, does the Mayor have a vote on that issue? So they tried to make it uniform in terms of saying the Mayor and Town Council, the Town of Milton. So that's what you see in the middle of page 2. Moving onto Section 3, which talks about Annexation. They attempted to update the annexation process, so there's a reference there as to who the property owner is. That's that person seeking annexation. Definitely, by all means, stop me if you see anything, but a lot of this language is clarification, so in terms of notifying all resident's within 200' and it's going to be of any boundary, so you have a better measure, in terms of where you start the 200' and then you see the word "Town Administrator" where the Town Administrator is the one responsible for sending out the notifications. There's a slight change in terms of the procedure, so rather than three members of Town Council, then initially investigating the annexation, it's a Special Review Committee and that Special Review Committee is going to be made up of two members of Council and then one member of Planning and Zoning. You can see those changes followed throughout. Anything on page 3?

Councilman Coté: Mr. Thompson, if the Committee has two Council Members and it comes time to vote yea or nay on annexation, would they be recusing themselves from the vote, because it's their suggestion or their recommendation?

Seth Thompson: And I know we've had that issue. I would view it as they should be able to vote in the sense that the issue is the same. This isn't an appeals process, so in other words, the Special Review Committee is not saying no, we're not going to annex you in, or yes, they're simply making a recommendation. Your Charter doesn't address that issue specifically and I've looked into it in different circumstances. There doesn't seem to be any reported Delaware Case Law on it, so we're kind of left with General Legal Principles. The concern would be if somebody was... Compare it this way, if you went and you had a trial in front of a Judge and that Judge rendered a decision and then you filed an Appeal and you got the very same Judge; so you're asking a Judge to overturn his own decision; there's something wrong with that in terms of due process. A good example now and I tend to go to the world of sports, but the NFL players are upset because Roger Goodell is the one that reviews Roger Goodell's decisions, right? But that's not our situation here. They're going to make a Report and then there's going to be a decision at the Council level, as a whole, so it shouldn't be a problem.

John Collier: If I may, part of the reason that the Committee chose to change the composition of this Special Review Committee, because with three members of Town Council and the Mayor as an Ex-Officio, that constitutes a quorum of the Council and we thought that it would be in the best interests of everyone if we got away from the idea of there being a quorum of the governing body in a Review Committee.

Michela Coffaro, 608 Union Street: I just don't know who the Town Administrator is, who that's referring to. What position?

Seth Thompson: It's in Section 18. We'll talk about it in more detail, at that point.

Councilman Garde: Michela, there is a section that's being recommended in the changes, that defines exactly the duties of the Town Administrator. So it will be covered later.

Mayor Jones: Do we have more than one Special Review Committee that we are referring to?

John Collier: This is primarily to the point of annexation.

Mayor Jones: The reason I ask is we get about not quite halfway down the page, it starts with prior to beginning work on the Report, the members of the Special Review Committee, appointed to review the petition has already spoken ahead about what they're charged with. Shouldn't it read, prior to beginning work on the Report, the members of the Special Review Committee will have been voted upon and approved by a majority of the Mayor and Council? What was the point of the appointed to review the petition again?

Councilman Garde: Can you restate where you are, please?

Mayor Jones: I'm on page 3 and not quite to the... I'm in paragraph c and most of the way down. Prior to...

Councilman Kost: Six lines down.

Mayor Jones: Beginning work. You've restated that this Committee is appointed to review the petition, but in the beginning you've said the three folks are appointed to investigate the possibility of annexation and report back to the Mayor and Council. Isn't that the same?

Councilman Garde: No.

John Collier: The petition triggers the need for a review.

Councilman Garde: I would also suggest that the number of people required to approve, I don't believe had been mentioned. So the reason to have been approved by Mayor and Town Council, it's the majority.

Mayor Jones: I'm not pointing to that. I'm pointing to the red behind, appointed to review the petition. That's what it's being formed for. I just think it's redundant. I'm asking if anybody else

reads it...

Seth Thompson: I think that's why it's being struck.

Councilman Garde: It is.

Mayor Jones: Okay.

Seth Thompson: Because I think that the structured language is language that exists in your current Charter and it's being removed.

Mayor Jones: I apologize. I think I thought I made that strike and wondered why we had it on there? There are so many marks on here, I apologize. Yes, thank you.

Ginny Weeks: Just a procedure. Do you want us to wait until you're done for the night before we make comments or are you going to ask if there's a comment after each section?

Mayor Jones: How about if we go over a page and then ask the question and let Council discuss a little bit?

Ginny Weeks: I just have something on page 1, Section 2, where the map that shows the boundaries has a date on it. That means everytime you change the map, by annexing in something, you would have to send it to the State Legislature to change it in the Comprehensive Plan. Then you're going to have to send that revision back to them, to amend the Charter.

Seth Thompson: I think the way that's written, the important thing is the very beginning of that sentence, where it says the Present Boundaries, so in other words, that's setting what the Town Boundaries are now and then if you look at the next paragraph, it's on page 2, it talks about the Mayor and Council can cause a survey and plot to be made of the boundaries and should be recorded and may be recorded.

Ginny Weeks: So somebody can't come and argue that the boundaries were legally what you said they were in 2008?

Seth Thompson: Then there would be a new survey recorded if let's say somebody goes through the annexation process.

Ginny Weeks: Then maybe you just want to annotate that section on the front page to see the Section in the next, where it shows that it can be changed. Thank you.

Seth Thompson: Just to finish up. The reason it's on the next page is because of the structure language, so when you actually see the Charter, presuming and this is a lot of presumptions, I guess; but presuming the Council approves it and then the Legislature approves it and the Governor approves it, those paragraphs will be next to each other.

Steve Crawford: Is it possible that it would not be recorded? It says may be recorded.

Seth Thompson: Yes, I suppose we could make that a "shall", because the point of having it recorded is so that it's of record. I think that works.

Steve Crawford: Thank you.

Councilman Garde: We may cause a survey and when made and approved it shall commence.

Mayor Jones: One second, let us all catch this together.

Seth Thompson: In the middle of page 2...

Mayor Jones: Shall be recorded.

Seth Thompson: Right and this is that "may" leading to "shall".

Jeff Dailey: I'm glad the question about the date on the map was raised. Before we get into this any further, I would like to know, what is the framework, what's the timeframe? We have the Special Review Committee, is there a target date, when will this ultimately be going to the legislature? I'm just curious. I'm just that kind of a big picture context.

John Collier: Once Council reviews it thoroughly, endorses all the changes, there are still a

series of public hearings that have to occur before this...

Jeff Dailey: I'm curious. Is this like a one month process, three months, six months, a year? I don't know.

John Collier: As long as it takes to get it right.

Jeff Dailey: Okay.

Councilman Garde: We don't have a deadline.

Seth Thompson: In terms of getting it done this year, the Legislature's last day is June 30th and getting something to them towards the end of the session is generally not a good idea; although that does happen, but basically there's a "must" list that gets created at the end of the session and Town Charter's generally don't end up on the "must" list, so it's important too you have to get it through both the House and the Senate. Now we are in the first year of the cycle, so if it gets through one of the houses, then it's not like it has to come back the next year, meaning 2016, but it's just something to keep in mind. Now, of course, this is something that shouldn't be rushed. It's a full reincorporation.

Councilman Garde: And just to confirm at least my understanding, there is no deadline. We are not required by any specific deadline to do this. This is something the Town is undertaking on it's own to improve, update and I guess that's it. Update and improve, is maybe what I should have said, our Town Charter and then file it. It's not like the Comprehensive Plan that we thought we had a deadline, there is no deadline for this as I understand it. Counselor?

Seth Thompson: That's correct. There isn't some State requirement that your Charter be reincorporated every few years. I think your last one was in 2008 and seven years is a pretty long time to go without some sort of Charter Amendment. It's not a particularly long time to go without a full reincorporation. But you're correct Councilman Garde, there isn't some State Agency or the Governor's office beating down the door saying you guys have to get this through.

Councilman Garde: Which is another reason why I'm going to back up what John Collier's has said. We want to get this right. The same way we want to get the Comprehensive Plan correct, we want to get the Charter correct and we'll take as much time as it does, but go through the process that we're required to go through. Have we made it past page 3?

Seth Thompson: I think so and then page 4, again, it's a lot of corrections. If you look at Sub-Section e, you'll see that it's struck by simple majority.

Mayor Jones: Under f, second sentence, inconsistency. Do you add "the" Town of Milton?

Seth Thompson: Yes, I think "the" Town of Milton... I think we tend to refer to Town Council, but the Town of Milton. So there should be a "the" there. The qualities of the Town of Milton's... Any other questions? Again, we're on page 4 and this is still looking through this process.

Mayor Jones: Yes, still under f and I am eight sentences in. The three member Committee's that's been struck and maybe I'm not reading it correctly. The Committee may utilize the staff of the Town of Milton to assist in the conduct it's 120...

Councilman Garde: It should say "of".

Seth Thompson: "Of", yes.

Councilman Garde: Good catch.

Seth Thompson: Need a preposition there.

Mayor Jones: Assist in the...

John Collier: Should it be in conducting?

Mayor Jones: In conducting.

Councilman Coté: In the conduct of...

Councilman Garde: In the conduct of it's.

Mayor Jones: Of it's?

Councilman Garde: The conduct of it's 120 day investigation. Okay? Good catch.

Seth Thompson: That works. Onto page 5 and again we have the Special Review Committee references, the Mayor and Council references and then struck through the zoning classifications requested by the Petitioner, shall be reviewed by Planning and Zoning. I don't think I was involved at this point. Was the concern in terms of zoning it ahead of time? Is that what the issue was?

Councilman Garde: The issue was to make sure Planning and Zoning got their oar in the water, in order to make a recommendation with respect to Zoning; that it was not done by the Special Review Committee, but that it was sent back to Planning and Zoning. Just to conform language, the last word in g. now is Council, but to conform the language that should say Town Council, which is conformed language you've been using.

Mayor Jones: It's getting a little dark back here to read the paperwork, I have to admit. I don't know what we'll do about this. This is going to be tough to read if the lights go off.

Councilman Garde: I've got a good spot, because I've got a spotlight.

Seth Thompson: I'm down on Sub-Section h.

Mayor Jones: Are we still on 5? I made a note here to myself. "If the report of the Mayor and Town Council on the annexation determines that the proposed annexation is advantageous, we'll vote first to accept the report and then vote to refer the Petition to the Planning and Zoning Commission at the Commission's next meeting." Or should it be, "to be placed on the next regularly scheduled meeting"? This is symantics, at this point.

Councilman Garde: That's the kind of thing we're doing.

Seth Thompson: It's important.

Mayor Jones: Because you could literally have no turn around and that report not be able to get...

Seth Thompson: Right. If they have less than seven days, just take an extreme example, they couldn't put it on that agenda; but that would be their "next meeting".

Councilman Garde: Do we want to change that?

Seth Thompson: It could be meeting the following month, it could be next duly noticed meeting.

Councilman Garde: Duly noticed, I like. We've used that terminology in other places.

Mayor Jones: Next duly noticed meeting?

Councilman Garde: Yes.

Councilman Coté: Mr. Thompson, in the middle of that page, just a few lines above the bigger red strikethrough, the line ends with "Council will"; can we use "will" and "shall" interchangeably, or should we use all the same?

Seth Thompson: We really should use all the same. That should be "shall".

Mayor Jones: You struck out a "simple majority" on page 4 and page 2, but you struck it here on page 2 under e., did you mean for it to be here?

Councilman Garde: I'm not following you.

Seth Thompson: Right, so the question is if we're trying to be consistent, and correct me if I'm wrong but removing "by simple majority", that language was superfluous based on the fact that

any vote is going to take a simple majority, unless it says some other super-majority, I take it?

Councilman Garde: I can't recall. I think we just left it there, because it had been there.

Seth Thompson: If something requires a super-majority, it's stated as a necessary super-majority and the legal assumption, if there's isn't a super-majority requirement, is that a simple majority would do. If I recall correctly, too, the concern when we reference by simple majority, is it creates an issue of let's say you have five people, so you have a quorum, but then if it says a simple majority of Mayor and Town Council, do four of the five need to vote in favor, or can three of the five vote in favor? I think that was another reason, if I'm not mistaken, for removing simple majority of Mayor and Town Council to eliminate the notion that you actually would end up needing a super-majority of the quorum, if people weren't present.

Mayor Jones: I was just bringing it up in the name of consistency. Did you want it to be removed?

Seth Thompson: Yes, I think it should be removed, so we would be consistent.

Councilman Garde: So we're going to take out referral requires?

Seth Thompson: It would just be approval of the Mayor and Town Council.

Councilman Garde: Are you keeping the official notes?

Seth Thompson: That's my goal and Kristy and I often compare notes at the end of the night.

Councilman Garde: I would be happy to compare at the end, but how is that the last two sentences? Start me with "If the report to Mayor and Town Council".

Seth Thompson: "If the report to Mayor and Town Council on the annexation determines that the proposed annexation is advantageous to the Town, the Mayor and Town Council shall vote first to accept the report and then vote to refer the Petition to the Planning and Zoning Commission at the Commission's next duly noticed meeting. Referral requires an approval." On some level it's superfluous, in the sense that they're voting to accept the report and then voting to refer.

Mayor Jones: So it would just read "Referral requires approval"? No?

Seth Thompson: I don't know that it's necessary, because you're voting to refer it. If you didn't vote to refer it, then that would seemingly be the end of the Petition.

Councilman Garde: How about we leave the whole sentence off then?

Seth Thompson: Yes, I think so. It doesn't add anything.

Councilman Garde: No? Okay. Agreed.

Mayor Jones: So we're on h.?

Seth Thompson: In h., this is discussing if it's not advantageous to the Town, or disadvantageous as your Code calls it, then they have to wait a minimum of one year from the date of the vote.

Jeff Dailey: Mr. Collier, can you go back to the large strikethrough in red? Thank you. Where it says the zoning classifications requested by the Petitioner shall be reviewed by the Planning and Zoning Commission. Key word: classifications; because there could be a request by the Petitioner for a change in classification. If that's struck, help me, because I'm a little lost, as some others might be, as well. Is it not going to Planning and Zoning for that purpose, to address a classification? I guess that's my question.

Seth Thompson: I think it ends up in Sub-Section i.

Councilman Garde: It ends up in Sub-Section i. You may have another comment when we get to it.

Jeff Dailey: But that confuses me. It looks like there's more taken out than we might like.

Seth Thompson: And unfortunately sometimes that happens, where some language gets struck, if it's superfluous, or occasionally language gets moved and so it's important to follow the whole process; that it might look like it's simply being removed, but that might not be the case. It might just be being moved into a more appropriate place.

Jim Welu: I have a problem with paragraph h., because it implies that the Special Review Committee, if they conclude the proposed annexation is disadvantageous to the Town, that the Mayor and Town Council have nothing to do but to accept that.

Seth Thompson: That is correct, so if the Committee...

Jim Welu: That's what it says. I don't have any problem with that's what it says. I'm wondering if that's what it should say. Shouldn't the Mayor and Town Council still have the right to judge one way or the other whether they want to accept the report of the Special Review Committee or is the Special Review Committee going to make the final determination? That's the way this reads.

Seth Thompson: And I think realistically, you might end up... If I were the Applicant's attorney, I'd think to myself well, I already have two no votes, right? Seemingly the two Council Members that are on the Special Review Committee, but that's doing the realistic fallout of it. I understand your point and it's a good one. So the question is whether you could structure it where Council can override the Special Review Committee use.

Jim Welu: It could say that the Council will first vote whether to accept the report, or not accept the report.

Seth Thompson: Right. Then the question is, well if the Special Review Committee...

Jim Welu: We have two nays at this point, but that's two out of seven.

Seth Thompson: You're right. It is possible that a... And so kind of thinking it through from...

Jim Welu: I think there ought to be a discussion by the Council, whether to accept the report, or whether to turn it over to the full Council for discussion. That's my point.

Seth Thompson: Yes. I wonder if this is a vestige from when it was three members of Council that were deciding. I guess the thought then was three members have said no, although potentially only two members said no, right? It could have been two.

John Collier: I believe the thought behind this was that this paragraph only applies to whether you accept the report results. So that's the first thing. If it's disadvantageous, it still comes to the Mayor and Town Council and they need to vote to accept the disadvantaged report, or they vote not to.

Seth Thompson: So we would change it to vote whether to accept the report?

John Collier: That's entirely up to you, Sir.

Seth Thompson: That does make it clear.

Jim Welu: The way it's written now, they don't have any choice but to accept it.

Councilman Garde: Just for your information, the Committee made flow charts and each individual on the Committee made a flow chart of this and we thought we drafted it reasonably, but I would rather change it to whether to accept.

Seth Thompson: Okay and then I think what we do is we probably, for clarity, we probably end that sentence... I'm kind of a proponent of short, declarative sentences and then say, "In the event that the Mayor and Town Council accept the report, then the Applicant's must wait."

Councilman Garde: Yes. What we didn't draft is in the event that the Mayor and Town Council reject the report. I don't know that we had a... Well let's go on.

Seth Thompson: I think it will probably pick up in the next...

Councilman Garde: Okay, so we have a period after report?

Mayor Jones: Yes. And then in the event...

Councilman Garde: Yes.

Seth Thompson: Yes, in the event that the Mayor and Town Council accept the report, the Applicant's for annexation must wait a minimum of 365 days.

Mayor Jones: Still on page 5.

Jeff Dailey: I liked Mr. Thompson's... Thank you Ms. Weeks for allowing me to preempt you. I liked Mr. Thompson's comment, his analogy that this is like a constitution for a town and I'm going to address Councilman Garde on this. You know, everything that we're looking at here, these are enunciating very fluid processes. This report. This review by this committee. Going before Mayor and Town Council, etc. One thing that in your approach to this recognize that it's trying to capture on paper and in legalese, fluid processes. In addition, when the public weighs in, as is the policy here in town, that too can change thinking and minds and influence outcomes, so maybe your committee might want to just keep that in mind as they address changes. Thank you very much.

Councilman Garde: Sure. I have no problem with that. Rich is here. He was on the Committee. Yes.

Ginny Weeks: I just want to know during this whole process, when is there a public hearing? There's one at Planning and Zoning, but there isn't any public hearing before you approve it.

Mayor Jones: You're talking about the Special Review Committee's work?

Ginny Weeks: The Special Review Committee and the Council. It doesn't require a public hearing?

Seth Thompson: I think it's under j. Sub-Section j.

Councilman Garde: It's incorrect. Yeah, we have to keep reading.

Ginny Weeks: I thought I saw it under that Planning and Zoning will hold a public hearing. Under j. it says something else?

Seth Thompson: That's where a public hearing is scheduled before Mayor and Town Council.

Ginny Weeks: At what point in the... Because at that point have they already accepted it?

Councilman Garde: No, they've accepted the Report and then...

Seth Thompson: And then referred it to Planning and Zoning and then it comes back to Council for the public hearing.

Ginny Weeks: And then there will be a public hearing? Thank you.

Councilman Garde: That was the intent, but as we read it if it's not drafted that way, we'll update it.

John Collier: That's pretty much the process, as it's always been. That's not a new wrinkle.

Ginny Weeks: I just that before you go through this whole process, maybe at the Special Review Committee it might want to listen to what citizen's have to say, rather than having it go all through the process and go through Planning and Zoning and then come back and then have a public hearing. You might want to have one at the beginning of the process, to see how the town feels about it. Thank you.

Steve Crawford: Is there a difference between "must" and will or shall? I'm just asking.

Seth Thompson: There's a legal debate in terms of whether will and shall... I can tell you for purposes of...

Steve Crawford: I'm not talking about will or shall, I'm talking about "must".

Seth Thompson: Will and shall there's a debate, although for Delaware Law...

Steve Crawford: I looked that up.

Mayor Jones: This is the "must" wait? Is that where we are?

Steve Crawford: Up in the top of the previous page there was a must up there.

Mayor Jones: Alright, must wait a minimum of... Okay.

Seth Thompson: And the will and shall is based on contract issue. "Must", I would read as shall. Again, the Applicant, if they decline or it's found to be disadvantageous and the Council accepts the report, assuming their changes go through, then they shall wait, or must wait. The bottom line is they're waiting 365 days, at least. It's a good question.

Jim Welu: I'm back on page 4, paragraph f., the very last sentence. All readings of the Special Review Committee shall be in public with notice required by FOIA Act. Could you add that those meetings should be opened to public discussion, comment as well? Have some type of a public comment period?

Seth Thompson: It's interesting. I wonder if they set it up this way so that there's some initial determination that's fairly expeditious, but I don't know. I'm just guessing. Certainly the Town could do that. The Town could say the meetings of the Special Review Committee shall be... It is funny, because that language is a little bit superfluous, right? It's a Committee. It has to be opened to the public and it's got to be noticed under FOIA, but if the Council wanted to have a public hearing at that level, we would probably need to change the word "all", but you could put in there, if that was your wish, to have a public hearing at the Special Review Committee level. That is where it would go. It would go at the end of Sub-Section f.

Councilman Garde: There was never an intention to exclude the public, but an announced public meeting was left, at least in my mind, intentionally, until after the Special Review Committee in it's opened meetings, they have a limited amount of time and they have a specific goal and the goal is for the Special Review Committee to report to Town Council as to whether this annexation is advantageous or disadvantageous to the Town. That's it's Charter and it doesn't have a lot of time to do it. It is intended that the meetings be open, but it wasn't intended that there be this type of an announced public forum at the Special Review Committee level; that would be later after the Town Council had taken some action, to then have an announced public hearing. I'm not wedded to that, I'm just explaining the way the current Draft is.

Seth Thompson: Part of it, from a policy standpoint is do we want to encourage annexation? I have a feeling, to use a fractile approach, to take something that's bigger and then compare it to something that's smaller, your Code, for instance, talks about a concept plan. So somebody can come in and say I have this idea for this piece of property that's in Town. I'd like to develop it. Let me sit down with the Town Engineer. Let me sit down with the Planning and Zoning Commission and just knock around some ideas. You guys call that a Concept Plan, where there's not a lot of detail, the person doesn't spend a lot of money on engineering fees, that sort of thing and sometimes that's an awful idea; that's not going to work and then the person hasn't invested a lot of time and money into that particular concept. It could be that that was a parallel consideration here where the Special Review Committee is going to make some initial determination and without a ton of public input and if the developer or the potential annexed property owner doesn't get positive feedback, they haven't jumped through a lot of hoops to get there.

Mayor Jones: I'd like to say, actually in theory, I support Councilman Garde's theory in placing a Special Review Committee in a place, as it states in f., "Positive and negative impacts on the capacities and qualities of the town's systems, services, impact to the taxpayer's and other

elements". I would prefer to see this small group have the opportunity to review a petition for annexation on its merit and then allow the public comment to come to either the Planning and Zoning level and/or the policymaker's on Council. I think that that could be a very challenging review to a three-man Special Review Committee, if you put into the mix, the public hearings at that level. So I have to say I agree with you.

Seth Thompson: It's important to note that scope is very important, in the sense that a lot of times we focus on well that's going to be X number of houses in that sub-division. That's getting a little bit ahead of ourselves, in the sense that this is whether or not the property can be annexed into the Town. It's then going to go through the sub-division application process and then the site plan review, in terms of figuring out where things are going to go. So, I could see the point, that it's a more limited review in the sense that, is this contiguous with the town? Does it fit? Does the Town have the capacity to service this area?

Mayor Jones: Any more discussion on that, before we continue? I think we're about to start on page 6.

Seth Thompson: Up at the top, I think just for consistency, we'll change the "must" to "shall".

Councilman Garde: Did we change the other "must"?

Seth Thompson: I did. The prior one that's the second from the bottom?

Councilman Garde: Annexation "shall" wait...

Mayor Jones: And where are you changing this again?

Seth Thompson: So on the third line from the top, "shall" be repeated. Then we're getting into Ginny's question here, so if the Council then refers the annexation petition to the Planning and Zoning Commission and then the Commission is going to discuss the annexation request at its next regularly scheduled meeting.

Councilman Garde: Let's say next duly noted.

Seth Thompson: Next duly noticed. And "shall" instead of "will" again, review the petition, site plan if required, including the zoning classification requested by the Petitioner. I suppose it would be possible for them, let's say you have a really large parcel, it would be possible to request more than one zoning classification, so we could say any zoning classification, because that allows for an individual one or if it's 50 acres...

Mayor Jones: Or s after clarification.

Seth Thompson: The parenthetical (s), that works, too. Let's do that.

Councilman Garde: Did you make a change to something there?

Seth Thompson: So it says "including the zoning classification(s) requested by the Petitioner". Then Planning and Zoning makes its recommendations in writing back to the Mayor and Town Council. So then in j. at that point, we have our next "duly noted" meeting. Mayor and Town Council will follow the commentary. Did we use the word "commentary" before. I just want to be consistent.

Mayor Jones: It's an advisory report, isn't it at that level?

Seth Thompson: That's the way they normally do it. When it comes to zoning, that's how...

Mayor Jones: I don't like commentary. That sounds too subjective. I think it's an advisory report.

Seth Thompson: Right, because they're making recommendations in writing.

Councilman Garde: Well it's in writing, so it should be just report. Planning and Zoning's report.

Seth Thompson: Yeah, that works. And we have zoning classifications, in plural there. Then

that's when the Town Council schedules a public hearing on that request. Everything else, I think, seems to be... hopefully we're moving off of page 6. Page 7, again, this is the universal changes that you'll see, in terms of the Town Clerk and in terms of the Mayor and Town Council.

Councilman Garde: I have a small English correction on the second word on the top of page 7, the word should be “vote”; Mayor and Town Council vote.

Mayor Jones: It's a strikethrough.

Councilman Garde: The second word?

Seth Thompson: Do you see the s that's struck through?

Councilman Garde: No, I didn't see that it was, but it is. Okay. Thank you.

Mayor Jones: Feeling like I am, down here.

Councilman Garde: No, you can see it clearly up there. Good catch. I didn't see it. We need to make one more change here in my view, which is on the fifth line. It says “must be held 45 days”; “within 45 days”, or not later than, but I wrote “within”. The way it's written, you only have one date available and that was not the intent. So I think if you put “within” there, I think it works.

Seth Thompson: I think with Referendums...

Councilman Garde: There's a “must”, must be held. So you want to go with “shall”?

Seth Thompson: “Shall”. Town Referenda don't need to be done through the Department of Elections? Is that right, Kristy? I'm just trying to think if 45 days is enough.

Councilman Garde: I think you can have a Special Election Committee. We do that elsewhere.

Seth Thompson: I was trying to think logistically, is 45 days enough to obtain the machines, if you're going to do it that way. I just don't want us to run into some logistical problem, but alright so it sounds like 45 days, works. Then if we're moving down to Sub-Section I. I think the intention was to clarify that non-resident property owners are allowed to vote, as well as resident's.

Steve Crawford: So I'm not a pain, okay? I would like to make a recommendation that you do a word find and every time you see “must”, you change it to “shall” or “will”. I don't care which one, but that just seems like it's the reasonable thing to do. This way I don't have to be jumping up and going nuts.

Seth Thompson: Right.

Councilman Garde: Good suggestion.

Mayor Jones: I think this is more of a legal question and I just want to be sensitive to it, when we talk about non-resident property owners whose property is exempt from taxation, not exactly sure what all that is or is not assessed for taxation, shall not be entitled to vote. What about uncollected taxes, of which we have not just a year or more and a clean hands act? I don't know that it has anything to do with the entitlement to have a vote. But I bring it up, because I think we have a property that we don't collect tax on.

Seth Thompson: When we don't collect, meaning we charge them, but they don't pay it, is that...? You can't do that when it comes to municipal elections. You can't deny somebody the ability to vote. I wonder if a Special Referendum is different? I suspect not.

Mayor Jones: I just wanted to bring the question up.

Seth Thompson: The clean hands ordinance I don't think would prohibit somebody from voting. I think it prohibits them from getting some sort of other approval, that sort of thing.

Mayor Jones: Okay.

Councilman Coté: Question on the Petition that being referred to. “A Petition must include over 10% of Milton's eligible voters, able to vote in a Referendum.”

Seth Thompson: That's funny, that's existing language.

Councilman Coté: But at some point, there was some definition about who could vote in a Referendum and that had to be changed, but who can vote in a Referendum? Did I read that in a Referendum, anybody over 18 residing in the Town can vote in a Referendum, even if they're not a registered voter? Or can anybody in Town, who's not a registered voter can vote in a Referendum; how will you ever know if you get 10% of those unidentified people?

Seth Thompson: It's not the best wording, obviously; that's in your current Charter. It seems to be setting a floor, so if not enough people show up for that Referendum, it effectively doesn't count, I guess?

Councilman Coté: This is a Petition requesting a Referendum.

Councilman Garde: This is to request the Referendum.

Seth Thompson: Yes, you're right. I'm sorry.

Councilman Coté: How would you get 10% of this unidentified number?

Seth Thompson: Right, so you don't have your usual voter rolls, because it's going to be people that aren't necessarily bona fide residents. I guess you'd have to look at your property...

Councilman Coté: But doesn't the total eligible for the Referendum, include a whole series of folks who could be registered voters, but are not?

Seth Thompson: That's right.

Councilman Coté: And how do you identify 10% of that number?

Seth Thompson: It is a very good point. I think logistically it's probably a nightmare; you probably walk through with your registered voters, but then there's X number of people that are eligible to vote in your town election, but just never chose to register. Then you have your non-resident property owners, which I think you can figure out through the tax rolls.

Councilman Coté: Yes, that part you can do, but it's all those in town who haven't registered, for whatever reason.

Mayor Jones: And this is a “must” include.

Seth Thompson: Well, if they own property, you're going to know. They just didn't register to vote, but they're on your tax roll.

Councilman Coté: Suppose you live in town and rent?

Seth Thompson: So if they lease property, if the rental ordinance were to pass and all your tenant's need to be identified, then you would be able to know that way; but that's not the current requirement now, so I think you're right. I think there are probably a lot of people that you don't know.

Councilman Coté: Is there something we can do to fix this for this...

Councilman Garde: Well 10% of... the place to... I don't think the intent was to have a different series of voters in a municipal election and a referendum, after we learned that the U.S. Supreme Court had issued a ruling that made limiting to taxpayer's, to payer's with skin in the game, the old language for voting in a referendum, was I believe, that you had to be a taxpayer.

Seth Thompson: I think it was that you had to own property.

Councilman Garde: You had to own property and that was the skin in the game and when we found out that the Supreme Court had a finding against that, we attempted to conform the language to the language for registration. I would think we could fix this by saying that we'd use the registration of the town's registered voters.

Richard Miller: As an example, can we use the water referendum as a model?

Councilman Garde: I don't think so, because the Town Charter at the time, or the current Town Charter... oh wait a minute. I may be wrong. What did we do there? The Town Charter that was in effect during the water referendum had a limited number of people who were allowed to vote. I don't know if we lifted that. I wasn't on Council and I don't know.

Seth Thompson: We did. We said that if you're a resident, but not a property owner you have the right to vote, so that limitation in our Charter wasn't constitutional, so we didn't follow that. We let everybody vote. This is more just a logistical issue and I think the solution could be to change it to 10% of Milton's registered voters.

Councilman Garde: Registered.

Seth Thompson: I think that works and then we'd have to strike able to vote in a referendum. Okay. Anything else on page 7?

Roger Thompson, 206 Grist Mill Drive: As far as voting is concerned. Voting in the town on town information like this, is it different if you're a felon? Can you vote? And how do you identify that?

Seth Thompson: There's a constitutional limitation in terms of convicted felons, certain convicted felons and their ability to vote. But we can't do anything the constitution doesn't do and I think we'll get to that when we get to holding the municipal election.

Councilman Garde: Can I also make a recommendation? Under NL, where we say every resident citizen over 18... I think we should say every registered voter in the Town of Milton. Then you go to the book of registration that's kept in the Town Hall and you can prove that you're... My recollection of what we were trying to do here, is comply with the ruling by the U. S. Supreme Court. I don't know whether we got it right or not. The intention is that every resident shall have a vote, but when you say who's the resident, how do you prove it, in my mind you go back to where we are in the regular, municipal election.

Richard Miller: Can we clarify whether the eligibility is registered voter?

Councilman Garde: That's just what I recommended.

Seth Thompson: So for a special referendum, it's currently not; but that's what Councilman Garde was getting at, because this is just... you don't have to register to vote in the special referendum.

Richard Miller: Just that you're eligible.

Seth Thompson: You do have to be eligible. I think to kind of finish that thought, to be eligible to vote in the municipal election, you have to register. Registration is not a requirement for eligibility to vote in the special referendum.

Councilman Garde: As currently drafted.

Seth Thompson: Right.

Councilman Garde: We are considering whether we want to change that.

James Wagner: The question is for the petition. The question is in order to sign the petition, or be counted, do you have to be a registered voter, or be eligible to register to vote? Because the registered voters, we know how many they are, but eligible we don't know.

Seth Thompson: And that's exactly right and that's why Councilman Coté was saying how do we figure out 10% of a number we don't know.

James Wagner: Right, but it's slightly less complicated than 10% of the other number we don't know.

Councilman Garde: The change that I have recorded on my little thing says that we agreed to

10% of Milton's registered voters.

Seth Thompson: And that's what I put down, as well, so that we know the number, basically.

Councilman Garde: To avoid all of that, so that the petition has to be signed by 10% of Milton's registered voters.

James Wagner: Thank you. That's very clear now.

Councilman Garde: It is much clearer and thank you for bringing it up.

Seth Thompson: So the question then becomes, do we follow through with the whole registration requirement when it comes to actually voting in the special referendum; as opposed to just calculating the 10% and I don't know if we need to decide that tonight, but we need to flag the issue and have people give it some thought.

Councilman Garde: I would think that as long as we're not in contradiction of the U. S.

Supreme Court's ruling, I think we should change every resident citizen, up on that line to every registered voter of the Town of Milton.

Councilwoman Patterson: I think when we changed it, it was only 10%, the petition and what we're looking for is just a findable number and in order to not tax our Town Council, 10% is a very small number and those would be registered, because that's an easy findable number and it gives us a basis on which to go forward. I remember when we had the referendum, when we go down it can't just be registered voters, it's people that live in the town, as well. That's kind of a different vote. Does that make sense?

Seth Thompson: That issue is a little bit separate too, in the sense that the Supreme Court's concern was you can't make owning property a requirement to vote in something; that's really what it boiled down to. But you can require people to register. That's not crazy.

Councilman Garde: When you say a copy of the required personal identification, in case a resident citizen shall be conclusive evidence. I think it's drafted fine, as long as we just change eligible to registered in L, or whatever number it is up above, the rest of the language I think is fine the way it is.

Jeff Dailey, 211 Grist Mill Drive: You can't do that.

Seth Thompson: Ask people to register?

Jeff Dailey: No, you can't change the language Councilman Garde, because you have a requirement that there's a waiting period of 60 days, so people would say it was unfair, plus if I'm a resident of Milton and as an example the water referendum is going to affect me and my family and my quality of life and I choose to vote on that special referendum, then you're not being fair if you're forcing me to register. You have to be careful. There's a reason why referenda are a different animal. I understand Councilman Côté's concern about the number, or ascertaining 10%, but then maybe it's incumbent upon the town to know every one of it's resident's and those who are registered and those who are not. It's tough.

Councilman Garde: The town could never enforce that.

Councilman Côté: Doesn't that become a privacy issue?

Jeff Dailey: No. I don't know, that's not my bag, but I do know that it's inherently unfair to keep people out of referendum voting and that's I think why that's there to begin with.

Councilman Garde: Now that I reread the whole... the way it said every resident citizen shall have one vote, the books and records indicate the non-resident property owner... and required personal identification in the case of a resident citizen. I think it's fine. I think the total drafting of L is fine and it answered all of my questions and it let's every resident citizen of the Town of Milton over the age of 18; it gives them the right to vote in this referendum and the conclusive

evidence of such right to vote, is required personal identification. I think the drafting is fine.

Jim Welu: I have a different proposal because of what Mr. Dailey had to say and this whole discussion of how many people does it take to authorize... how many petition writer's would be necessary. Why don't you select a number? 200?

Councilman Garde: We don't have that many registered voters.

Jim Welu: People who live in town? Who own property in town? Just select a number that you think is reasonably difficult to reach, but attainable. It's not just the whim of the... But something significant and all they have to do is verify that they either own property or live in town. That should satisfy the U. S. Supreme Court.

Mayor Jones: I think the measure right now that we're looking at, is something that is hard and fast. We do know the number of registered voters in town. It's going to be the measuring stick we use, the 10%. We are still on that page.

Seth Thompson: And I think that's a good point, that the registered voter total is really just for purposes to determine that 10% threshold, but then if you were to keep the draft as it is, in terms of the rest, everybody else votes, it's just you've used registered voters as the 10% threshold.

Mayor Jones: It's an identifiable number.

Councilman Garde: Jim, thank you for the thought. My thought on having it as a percentage is that the number gets harder, rather than a fixed number, as more and more people move in. We're building homes in all three of our major developments, as we are right now; registration continues to increase.

Seth Thompson: In effect, that lowers the threshold, basically.

Councilman Garde: Yes that would lower the threshold if we had a fixed number, so I'm going to thank you for the suggestion, but my suggestion is that we keep it at 10% of the registered voters. That's to get a fixed number, Jeff. We're not leaving anybody out of anything, or denying anybody the right to vote.

Jeff Dailey: I am not a mathematician and I may prove it here in front of everybody right now; but if I am just a resident here and I vote and you determine passage of a referendum based on 10% of the registered voter's and I voted and I'm not a registered voter, then I'm just fluff. I'm on the outside looking in.

Mayor Jones: This isn't a vote for the referendum.

Councilwoman Patterson: No, this is just for the petition to get a vote.

Jeff Dailey: And as I said, I'm about to be disproved and I thank you.

Councilwoman Patterson: So the 10% is just to push the petition to start the referendum.

Mayor Jones: The petition.

Jeff Dailey: Thank you.

Councilwoman Patterson: And what we need is that threshold to move us forward and the number, even for our Town Hall, 10% is a small number, but the 10% of our registered voter's. Anybody else can add on to that, as well, but by having that 10% that then triggers the petition to move forward. Then you go to a referendum and then everybody can vote. Is that right? Did I say it right?

Mayor Jones, Councilman Garde, and Seth Thompson: Yes.

Councilman Garde: You said it perfectly, but...

James Wagner: Do the people signing the petition have to be registered voters?

Councilwoman Patterson: No, but you need 10% to push it forward.

James Wagner: So 10%... just any people in the world...

Councilwoman Patterson: It's just that threshold...

James Wagner: Could sign this petition to get to the 10%?

Seth Thompson: Right, so we're changing that to... at least the notion on the floor now is to change it to 10% of Milton's registered voters.

James Wagner: So they actually have to be registered?

Councilman Garde: If you have 400 signatures and 390 of them were outside, we would only measure the 10 who were registered voters and whether that hit the 10% threshold or not, you'd have to take it from there.

James Wagner: Thank you.

John Collier: I have one thing that nobody's approached and you're looking for this magic 10% of what? You have a census figure for this town, so if you just make it people only have to prove they reside in Milton, you hit the 10% of the current census total, you have 10% and you have the wide cross-section represented.

Councilman Garde: But it shouldn't be 10% then, because the census measures everybody.

Seth Thompson: It includes children?

Councilman Garde: It includes children and non-voter's and lots of other folks, so I don't have any objection to the that, but I think we should just change the 10% to a lower threshold.

John Collier: I like 7%.

Councilman Garde: I think it should be closer to something like 5% of the total population. I don't want kids signing this thing. No, I don't want the children and... I'd rather keep it to voter's. We could definitely get the right number, if we used the...

Seth Thompson: Eligible and registered means they have to be 18, so whichever way you go there, they have to be 18. If we went with the census number, the argument is that you'd have to let kids... although they can't sign a contract at that age, but... Sufficient food for thought on that one?

Mayor Jones: Number 8.

Seth Thompson: Okay, page 8. You see the change from three newspapers, to one newspaper, or at least one newspaper and I think a lot of that is cost saving. I think you guys probably spend a good amount of money... Do you guys even have three newspapers that... I mean, you've got two that cover the town regularly. Who's the third one you use? The State News? Okay and I think a lot of towns are moving to posting things online. Frankly I don't even open up my Code Book, if I'm in front of my computer. I just go online.

Councilman Garde: Before we leave L, I just want to make sure that I know I'm okay with it, but who's going to conduct this election? A municipal election is conducted by election officer's under the supervision of the Board of Elections. We have a later place in this document where we have another reference to a referendum that would be conducted by a Board of Special Elections. Is everyone okay with the concept of having the Board of Elections supervise this, rather than the Election Officers, or some special... What?

Barbara Wagner: It should not be an Election Officer.

Councilman Garde: I agree. I'm fine with the way it's drafted. I just want to bring it up to see if anyone has any contradictory comment.

Jeff Dailey: Referenda are by their very nature political animals and the politics has to be injected into them, so to have the Board of Election, which is going to have absolutely no political agenda whatsoever, do the wording; is in a way a disservice. It's denying Mayor and

Town Council if they're proponents of a referendum passing, it denies them access to the verbiage, the placement of such on the ballots, the wording, etc. and it's unwise to do, because you're trying to move a town forward and we have elected representatives who in this case, would be trying to bring the public along with them, so the Board of Election is not, in my opinion supervisory board.

Seth Thompson: To address that point, I think in our prior experiences with the referenda, I think the Board approved in its resolution and if I'm not mistaken, I think it approves two resolutions along the way, the actual language for the ballot. So in other words, the Board of Elections doesn't... I don't think determines the language. That's not how we've done it before.

Councilman Garde: This is just supervising the Special Referendum? To me that means at the polling place.

Seth Thompson: That's exactly right, so what happens that day.

Councilman Garde: What happens that day.

Barbara Wagner, 409 Federal Street: The Board of Elections supervises the process of the election and including in that process, is supervising the election officials, but it's the Board of Elections that supervises the process of the election.

Councilman Garde: Of the municipal election.

Barbara Wagner: Of the municipal election, or the County, or the State; it's the Board of Election that supervises the process of the election and they supervise the election officials through that process, but they do many other things. So it should be the Board of Elections that supervises referendum.

Councilman Garde: Agreed.

Seth Thompson: The Council's going to set the Resolution for annexation and the ballot's going to be either for or against, so I don't see it as a concern, but it's important to hash these things out. I'm looking at K, the bottom of K, where it's talking about that Council's going to pass a Resolution for Annexation.

Councilman Garde: But if you get to N, Town Council shall cause a description and a plot of the territories over the annexation... No, that's to be recorded.

Seth Thompson: In my experience annexation's say for or against. Somebody says yes or no. Failure to achieve recordation after 120 days, so in other words, they have to record the description. Page 9, Structure of Government, I think this page looks fairly straightforward.

Mayor Jones: I have a point under... we talk about Structure of Government commencing at the annual meeting following his/or election. You can actually have an election on the first Saturday in March, prior to the Town Council meeting, so I would recommend, if it's generic enough, that the word April somehow be put in there, because that is the month that no matter when that election took place... For example, if you had the election on a Saturday, you couldn't seat those new people on Monday, which is what this would be, the annual meeting following his/her election. Is that not correct?

Seth Thompson: No, you're right, so let's say that Monday was April 1st and you had your Town Council meeting, because that's the first Monday of the month and your election didn't happen until that Saturday, you'd end up in May; I'm sorry, back that up to March.

Mayor Jones: Your election date is set as the first Saturday in March; so your time commencing in office would be the following month of March.

Councilman Garde: We have a requirement in here for an Annual Meeting and the Annual Meeting is, in fact, in April. I'm not sure whether it says that. I think it does.

Mayor Jones: It doesn't in this paragraph and that's why I questioned it...

Seth Thompson: Here it is in Section 8, page 19... The first regular meeting in April.

Mayor Jones: It's one of those things that's as written under Section 4 is erroneous. To me, if I were reading that section by itself, I'd say you'd seat somebody in March, if that election was the first Saturday in March.

Councilman Garde: No. No, because it's the Annual Meeting. Capital A Annual Meeting is defined later as the April Meeting. It's defined because it's a capital Annual Meeting, that's a defined term and it's the first meeting in April. We could make it clearer, but I think this drafting is adequate.

Seth Thompson: Yes, when we get to Section 8(b), it says the Annual Meeting held on the first regular meeting in April, following the Annual Municipal Election.

Mayor Jones: And defines April.

Seth Thompson: Then just his or her on the bottom of page 9. Turning to page 10...

Mayor Jones: I think I'm still stuck on Annual, because that means yearly and not monthly to me, so I was just a little caught there.

Seth Thompson: It's kind of like the annual general meeting of a corporation.

Councilman Garde: There are definitions of it and it says at the Annual Meeting the Mayor has to appoint... each Annual Meeting you have to appoint a Deputy Mayor, a Secretary, a Treasurer and a blah, blah, blah and that's all defined.

Mayor Jones: Which is the April date, of course.

Councilman Garde: It's unfortunate that it's defined later, you have to go back in the document to find the definition, but...

Councilman Coté: Can we just put a reference in the first place that it's used, when you are seated, referring to the section where it is defined?

Mayor Jones: We don't have to make it more difficult.

Councilman Garde: Sure. Annual Meeting as defined in Section 8.

Barbara Wagner: There could also be a list of definitions at the beginning or the end.

Seth Thompson: And we do that a lot in our Ordinances, obviously. It isn't common practice. There's nothing that prohibits it. It isn't common to see that in Charters, but it's certainly possible.

Ginny Weeks: I don't know if it's appropriate under this section, but nowhere in the Charter does it give you power to remove somebody, unless they commit a felony. What if you have somebody who just doesn't show up for meetings?

Mayor Jones: Actually Mrs. Weeks, that's a very generic question and Mr. Goodinson sent that to me. That's going to be something that I bring up to Council, as to whether or not Council wants to consider that being something that we want to institute. So I've had that and I just need to bring it to Council's attention though. Thank you.

Ginny Weeks: Thank you.

Mayor Jones: She's right. It's been brought to my attention, not discussed yet by Council, whether or not there should be something said about Committee members and/or Council Members and how many meetings they may make and how many absences, maximum number, they may have, so that's an issue that we'll need to discuss as Council first.

Councilman Garde: Okay, so are we going to put Annual Meeting as defined in Section 8(b) in here, or just leave it alone?

Mayor Jones: The only thing I can tell you is that we have all suffered trying to decipher and

find things when Codes, Ordinances, Charters do not refer to the right places and I just can't help that feel that a little information... and I like Mrs. Wagner's comments too about the definitions being up front, that may be something that would be also very helpful. Your comment is you don't often see a reference point to move it to another section.

Seth Thompson: Oh no, I was referring to you don't often see a definitional section, the way you do in our Ordinances, so for purposes of this Chapter, whatever we say, we often have definitions.

Judy Shandler, Grist Mill Drive: Well, here's an idea. I like Barbar's idea about having definitions up front, but how about after every defined term, you just have an asterisk (*) and somewhere at the bottom of the page it says Defined Term, so that if you're reading it and it says Annual Meeting and you're wondering about that, if Annual Meeting has an asterisk that says Defined Term, then you've been informed.

Seth Thompson: Taking the term Annual Meeting, I don't know if it's necessarily a definitional term the way you'd see like in a contract, because it's saying it's being held in this... I think the cross-reference might be easier.

Councilman Garde: In this case, what I would suggest is, on the fourth line of four, after the word Annual Meeting, put a comma, as defined in Section 8(b) and then you're okay and everyone knows what it is.

Seth Thompson: Moving onto page 10, unless I hear otherwise, the language being struck is arguably... it's certainly superfluous, on some of what creates confusion, because it doesn't seem to mirror that the date of election is the measurement for when they're 21, so that's being removed. You have your qualifications for Council, we have the "must" vs. "shall", the Town Clerk to Town Administrator, his/her designee for the Secretary. On page 11, Appendix B is really a correction in terms of a reference and then this is something that, as somebody that has to draft laws, whenever there's an "a", there should really be a "b" and so here we're putting in a "b, c and d".

Councilman Garde: We didn't put it in?

Seth Thompson: No, the "a" exists in your Code currently, but I don't know that it had everything else. I don't think it did, so we put in a "b, c and d".

John Collier: There were three Appendices, A, B and C.

Seth Thompson: I'm sorry and I'm talking about the Sub-Sections. Right.

Councilman Garde: Right. We have an A, as follows, A. Each Candidate. B. All such notifications. There's a colon.

Seth Thompson: You're right, did we reletter them or did we add something. We added a C.

Councilman Garde: Yeah, we added C.

Seth Thompson: So the D. then gets relettered; that's what it is. So the B. isn't new, even though it's underlined.

Councilman Garde: Right.

Seth Thompson: Okay. I know there was some discussion...

Councilman Garde: I think there used to be... No, this says the Secretary in Sub-Section b, let's make sure that's at least where it is.

Seth Thompson: Right.

John Collier: Section C is the result of your current election.

Seth Thompson: Councilman Garde, I guess, was just checking the cross-reference at the very bottom.

Councilman Garde: In D.

Seth Thompson: So the one thing that was mentioned at the Board of Elections meeting and Mrs. Rogers will correct me if I'm wrong, so I'm on page 11 in b. and the thought was all such notifications of candidacy, and I think the language was "consent to the required background check, and completed Ethics Form." Because your Ethics Form makes it clear that it's not a background check, that there's going to be a separate background check and the thought process is the candidate needs to consent to a background check for purposes of confirming that they haven't been convicted of a felony, so we're just spelling that out.

Captain Cornwell: Can I just ask a question? Roger brought up about felons, how about mental patient's? People that are prohibited from...

Barbara Wagner: That's ADA, can't do that.

Captain Cornwell: Just a question, because they can't do certain things.

Mayor Jones: It shows up on a record. It does show up on your records.

Seth Thompson: So if somebody's been deemed incompetent? Is that what we're talking about?

Captain Cornwell: No, I was just talking about... nevermind. Strike that.

Seth Thompson: No, but in terms of qualifications...

Captain Cornwell: For being on Council.

Seth Thompson: We could mirror the language. I wonder if it says ineligible voter intent. I want to see. Because I think that does show up in our voting law, if somebody's been deemed, if a Court has determined that somebody...

Councilman Garde: If there's a Court determination, I think we have that language in there, but let's stay on...

Mayor Jones: It's a competency.

Captain Cornwell: Delaware doesn't use a Court; they actually use psychiatrists that will deem the person, an actual person _____ or a mental patient. I just threw that out there.

Seth Thompson: The reason, I guess, we'd be talking about it now, is whether the Council wants to include that specifically as a qualification for Mayor and Town Council; because it isn't currently mentioned. I thought it might be mentioned, by reference, by saying you have to be an eligible voter, but that's not the terminology. It says a primary resident of the Town of Milton for at least one year, which is longer than your qualifications for voters. Just for comparison purposes, I'm looking at page 15 and you can see the fourth line down that says "No person adjudged mentally incompetent..." That's where a Court has...

Councilman Garde: Or a psychiatrist.

Seth Thompson: I have a feeling that there's got to be some due process. I imagine the Court uses psychiatrists to establish that, but then I think the Judge has to take that testimony and say, yes indeed, you're deemed incompetent; whether that's in a guardianship proceeding or an involuntary commitment proceeding, that sort of thing.

Councilman Garde: And I would venture to say that the wording on page 15, is quoted, word for word from the Delaware State Code; without having the State Code in front of me, we decided to recommend cutting and pasting directly out of the State Code there. So coming back to page 10, at the bottom of page 10, did you add the requirement for a background check, or did we put that at the top of page 11?

Seth Thompson: That's at the top of page 11. It's in b, so the language that I had used and I'll compare it to my Board of Elections notes, but all such notifications of candidacy, consent to the required background check, and the completed Ethics Form, along with the Certificate of

Intention, these are all the things that have to be filed for somebody to run as a Council Member.

Councilman Garde: Thank you.

James Wagner: I noticed earlier under Qualifications, if someone is found guilty of a felony, they're no longer eligible to be a council member. I would think the same thing if they're judged to be incompetent.

Seth Thompson: That's a good point. We could put Sub-Section g there, just the same way that it is for a voter. We could put that the person has not been convicted of a felony and we'd have to move the "and" there, and has not been adjudged mental incompetent.

Councilman Garde: Right.

James Wagner: Thank you.

Kristy Rogers: In Section 5, the Board had also asked for e. and f. to be moved before c. Those are qualifications before the disclaimer, each of the qualifications for Mayor and Town Council shall be continuing qualifications.

Seth Thompson: That makes sense from an organizational standpoint. So we're moving e. and f. and then the new g., we'd actually move that (g.) above c., so that it's a list of qualifications and then the statement that each of those qualifications is a continuing obligation. It is broken up.

Steve Crawford: You added an "and". Should it be and/or?

Councilman Garde: No.

Seth Thompson: No, because it's a list of qualifications so they have to meet all of them; but you're right that if it were phrased the other way, where if any of these things happen, it would be the "or". Again we have at least and I completely agree with Councilman Garde adding "at least" is helpful, otherwise a very technical reading means it has to happen on the 60th day. Sorry, we're on page 11. Then the three newspapers to one newspaper. And then, as Mr. Collier mentioned, the new Sub-Section c. is coming from Election Law in the State Code. Then at the bottom of the page, a "must" to "shall". So looking at page 12, we again have Town Administrator, Clerk, Town of Milton, Town, Town, Town, Town, Town; looks like page 12, I think is okay. Moving onto page 13. So the language that's being struck, that language was in there. I think it was part of your Charter change that created the new cycle for the Mayoral Election?

Councilman Garde: That's correct.

Seth Thompson: So you guys have already done that, obviously, so that language doesn't need to be in there anymore and then moving into the relettered Sub-Section e., this is really designed to comply with Sub-Chapter 4 of Chapter 75, Title XV governing Municipal Elections outside of Wilmington. Now there's a Board of Elections and then there's also the Election Officer's, so there's a dichotomy that's set up there. So the Board of Elections oversees the election and the Election Officers actually run the election.

Barbara Wagner: Under the direction of.

Seth Thompson: Exactly, that's right.

Councilman Garde: We said supervision here, I think the Delaware Code actually used overseen by, so rather than overseen by, we currently have supervise or under the supervision of, which I think is the equivalent.

Seth Thompson: I think so, too.

Councilman Garde: Somebody had mentioned that we do not in this draft recommendation, give the duties of the Election Officers. The duties of the Election Officers are referred to under

Title XV, Chapter 75, Sub-Section 4. That is where the duties are found. My wife had formerly been involved with some of the other folks here with some suggestions on how much of this should be referenced back and how much should be specific to our town. There can be differences of opinion on that; there obviously are, so what we have currently is a definition of the Board of Elections and for Election Officers, we refer their duties to the State Code, in this recommended draft, subject to change and improvement.

Jeff Dailey: A couple of elections back and this is a pet peeve of mine and I'd love to see this as a "shall" and I think it would be a real feather in the Town's cap, almost akin to burying the hatchet in Georgetown. We had a member of the Board of Elections and there's one person who's designated to come out onto the steps of Town Hall and actually announce the numbers and I won't go into detail on what spurred me to action, but I communicated with the Board of Elections and my request was simply this. When that designated person comes out onto the steps of Town Hall, he/she make it a point and this would be scripting perhaps, into our little Charter/Constitution that he/she actually say, I want to remind everyone assembled here to be grateful to these candidates for having stepped up, whether they win or lose, we as a Town owe them our thanks and then the numbers were divulged and the degree of civility when they enacted this and I don't know if it was done, the other night, because I wasn't there. It wasn't done. But it was done for two elections and I would love this Town to adopt that and to actually enscribe it into this Charter, because I think it really can do much to put the campaign to rest, just like the burying the hatchet and unify a town behind it's newly elected officials. Thanks for hearing me out on this.

Seth Thompson: This is purely a policy thing, if you guys want to put something in there, you certainly can. In terms of announcing the unofficial results, that's part of the State Code. You can go beyond that if you want to. I don't know if... It's purely up to you guys. If you want to put in the exact wording, sometimes I suspect it might feel a little bit too scripted, if it's the exact wording, but you can certainly require some commentary encouraging... It's entirely up to you guys. That's not a legal decision, but...

Councilman Garde: It could parallel when we are dissolving Ad Hoc Committees, we require the Town to issue a letter of thanks. The general terminology along those lines, drafted in a similar fashion, I think, rather than scripting the whole thing. I would parallel, I think it's a good suggestion when we come to that appropriate place, maybe we can draft a sentence that is similar to the sentence of thanking the Ad Hoc Committee members.

Seth Thompson: I think that sounds good and that's actually a really good example. It might come off as a little more heartfelt and I think allow for some variation in terms of the specifics about election. Anything else on 13? This is really from the State Code. Then there was discussion at the Board of Elections, moving to the top of 14, in terms of whether your Charter needs to get as detailed relating to the cartridges and tapes and a protective counter and seal numbers, the thought might be and maybe somebody from the Board of Elections is here; that the Election Officers will "administer", maybe that's my own word; "conduct"...

Councilman Garde: This language that says the Election Officers shall remove blah, blah, blah is quoted word for word from the Delaware Code. Now, that's why the recommendation is to keep it this way and then the Board of Elections has to then verify; they don't need to recount; they can recount. Because the one who certifies the final results to the Town Council, or to the Town, is the Board of Elections, not the Election Officers or the head Election Officer was called the Inspector.

Barbara Wagner: I would just say, I am a Judge on the Board of Elections. This is getting very specific. If the law changes, then our Charter needs to change. If we simply refer to the law at each section and designate which section of the law tells us about which part of the election, then we find all of the duties of the Board of Elections, because they're not specified here in this Charter and we find all of the duties of the Election Officers; if things change at the State legislature, we have simply referenced the paragraph and we're good to go.

Seth Thompson: That's a thought. For instance, Section 7557 talks about... the Section of the State Code is called Conduct of the Election and it goes on for about six pages, that potentially and that's where the language in terms of the cartridges and the tapes are held; potentially the Council could say that the Board would conduct the election in accordance with Sub-Chapter 4 of Chapter 75 of Title XV. So it's just a thought.

Mayor Jones: We're talking about at the bottom of page 13, which is the Action of the Election Officers, after closing the polls.

Seth Thompson: Exactly, so in the event, for whatever reason there's a movement away from cartridges and voting machines, you don't have to change your Charter, because it references removing cartridges, that kind of thing.

Councilman Garde: Okay, but, we could do that. What we could do is just say the Election Officers shall post a copy of the unofficial results for each voting machine in compliance with the Delaware Code and cross out all the other gobbledygoop.

Seth Thompson: Right, I would say...

Councilman Garde: The Election Officers...

Barbara Wagner: The Election Officers give the results to the Board of Elections.

Councilman Garde: They are required by State Law to post the unofficial results, so they post the unofficial results.

Barbara Wagner: And then the Board of Elections certifies.

Councilman Garde: That's what it says. The Board of Elections shall count or otherwise verify or correct and shall certify the final result to the Mayor and Town Council. That's what our drafting says, so you're arguing that the drafting is correct.

Barbara Wagner: There are so many parts that are missing. It doesn't say anything about counting the absentee votes.

Councilman Garde: Actually, it does.

Barbara Wagner: It's very detailed in the law. Extremely detailed... And I think we do ourselves a disservice if we have some specifics, but not others.

Councilman Garde: I don't have a problem with it either way.

Seth Thompson: If you look at the very first sentence of Sub-Section e., it says the Annual Municipal Election shall be conducted by... and the new language is the Election Officers under the supervision of the Board of Elections, in accordance with Title XV, Title 75, Sub-Chapter 4 of the Delaware Code and that really is where that language is currently held. So I'm looking at the Close of the Polls Sections and that's definitely where the Committee got this language, which is good. I don't know if it's not already covered though in that first sentence.

Councilwoman Patterson: That's all you need and then you can just reference...

Mayor Jones: End it at the Delaware Code?

Seth Thompson: Well at least in terms of removing the "upon the closing of the polls", because that's a paragraph that's in the Section on Conducting the Election, which that first sentence says they're going to do that in accordance with Sub-Chapter 4.

Mayor Jones: And that is a strikethrough all of that red on the top of page 14.

Councilman Garde: Yeah.

Seth Thompson: Yes.

Mayor Jones: Yes, the beginning of 13 and onto 14, yes.

Councilman Coté: And there is in here and I don't remember seeing it when I read it, but that was a little while ago, there is a reference to some mechanism for counting absentee ballots as Mrs. Wagner mentioned.

Seth Thompson: That's Sub-Chapter 5 of Chapter 75.

Councilman Garde: But it's referenced in the draft that is put forth.

Seth Thompson: Oh, gotcha.

Councilman Garde: I will find it.

Mayor Jones: Are we cutting it off and starting it again at the Board of Elections?

Seth Thompson: I think that makes sense, yes.

Councilman Garde: Okay, it is under what's currently listed as k. It should be relettered to j. all votes offered at the Annual Municipal Election shall be offered in person or by Absentee Vote, submitted in accordance with the rules and procedures governing absentee ballots as set forth in Title XV, Sub-Chapter 75, blah, blah, blah.

Councilman Coté: What page is that please?

Councilman Garde: It's on page 18, the very top item on page 18. And the reference there is the reference to that section of the Delaware Code which covers Absentee Ballots.

Seth Thompson: Correct, yes, the Sub-Chapter 5.

Councilman Garde: Sub-Chapter 5 is Absentee Ballots. Sub-Chapter 4 is the Municipal Elections. Does the Council think that at the bottom of page 13, based on all these comments we take out "on closing"?

Mayor Jones: Yes.

Councilman Garde: All the red language? I think...

Mayor Jones: Up until on sentence four, "The Board of Elections".

Seth Thompson: "The Board of Elections shall count the votes, or otherwise verify."

Councilman Garde: Yeah. The Board of Elections shall count the votes, or otherwise verify the unofficial results and shall certify the final result to Mayor and Town Council in accordance with blah, blah.

Seth Thompson: That's right. If any member of the Board of Elections or an Election Officer isn't there, then there's this process for an alternate. We do get into an odd sentence at the end. I think the word "not", which is just a little bit south of the middle of the page there, is probably a mistake, because this seems to be laying out an order of how to handle things; you have your Board of Elections; you have your Election Officers; if somebody doesn't show up, the alternate fills in; and then it talks about that if any of the Officers, so chosen, shall not be present, it shall not be lawful for the qualified voters present at the polling place to elect from among their number, a person to fill the vacancy. It seems odd that you would say "not" there; because it implies that you can decide it any other way.

Councilman Coté: What page are we on?

Councilman Garde: Fourteen.

Seth Thompson: That would be helpful, right?

Mayor Jones: Fourteen.

Seth Thompson: Fourteen, about halfway down.

Councilman Coté: Okay, got it.

Seth Thompson: My reading of this is they probably didn't mean the word "not" there. They probably meant you have your Board of Elections, your Election Officers, you have your alternates. If there's some catastrophic illness that wipes out half the town, but you're still havign your election, well how do we fill a vacancy if the alternates haven't shown up? But the way the sentence actually reads, it says it shall not be lawful, which I don't think that makes sense. Really that's a place where you would expect them to have some means of appointing somebody. Instead it's a disqualification. You can't do it this way. We're not going to say what you do. Just don't do it this way. I think that "not" probably was not intended to be there.

Councilman Garde: I found another place in this document, where I think we need to correct. I never even thought of that. I read it as not and left it in; or we recommended leaving it in, just because it was always there. But taking the "not" out, certainly make sense. We probably have a quorum of our old committee here. What do you think about taking the "not" out? Take the "not" out?

Mayor Jones: The second one? Or both of them?

Seth Thompson: The shall "not". Oh, there's another shall "not".

Mayor Jones: There's two shall nots.

Seth Thompson: Sorry, it would be "It shall not be lawful".

Councilman Garde: So it should say "It shall be lawful" for the...

Seth Thompson: So again you're dealing with a situation where your alternates haven't shown up and so by removing the not, you're saying well the qualified voter's present at that point in time can say alright, well who among us can fill that position. It's not a great solution obviously. I think the real solution is to appoint enough alternates that you don't have that situation, but it's just strange that that sentence is there. It doesn't really serve a purpose.

Councilman Garde: I agree. It doesn't serve a purpose and if we did elect to delete the "not", it would serve a purpose.

Seth Thompson: It would and again maybe you don't want that in there at all and you're just going to appoint a lot of alternates.

Barbara Wagner: Is that within the Delaware Law? Is this legal in Delaware, under the latest... No, but in the Delaware Law, it says that anything that isn't in this law, is not lawful. Do we want to write this in our Charter, if it's not in the Delaware Law?

Seth Thompson: Unfortunately the Municipal Election Chapter gets a little bit funky in the sense that certain requirements say you have to do this; certain sections say unless it's stated in your Charter otherwise, you have to do this. There aren't many. You're right and some of them say you have to decide this by Charter. So, you almost always have to pay attention to that first line; are we dealing where this overrides anything in your Charter, where it is a default setting, if you don't have something in your Charter, or if you have to put this in your Charter. That's often the consideration. It could be that you guys just don't do that. I don't love the idea of people standing around saying, oh oh, there's a vacancy here.

Councilman Garde: If it's not illegal, I think we should delete the whole sentence starting with "If any of the Officers so chosen..." and ending with "to fill each vacancy." Just strike it. Rich, what's your thought on it as a member of the Committee?

Richard Miller: It seems clear that we should strike it.

Councilman Garde: And Jim is a member... Jim, what do you think?

James Wagner: I would say strike it.

Councilman Garde: Okay. The Committee is going to recommend striking this sentence.

Mayor Jones: There's quite a bit of business going on here. We can't...

Seth Thompson: The Committee's not noticed for a meeting. The input is helpful.

Councilman Garde: Okay, well we're not allowed to do that.

Mayor Jones: The information was helpful. Thank you.

Seth Thompson: So looking at G, again, it's the "not closer than", as opposed to the "candidates have to stand exactly..."

Councilman Garde: A very minor comment. That should be F. There is no F. At least I didn't see one. I think we went from E to G.

Seth Thompson: Yes.

Mayor Jones: So does that renumber I and H...

Councilman Garde: Yes, it's all renumbered, all the way through.

Seth Thompson: If everybody's with me, we're at the top of page 15. This is language that's taken from the State Code and you can actually see that there's a definition that we mentioned previously, judged mentally incompetent, there's an actual definition for it.

Mayor Jones: Are they an United States?

Seth Thompson: I would say "a" United States citizen.

Mayor Jones: If such applicant is a United States citizen...

Councilwoman Patterson: It definitely should be "an", because it's a vowel next.

Councilman Coté: An is correct. I think.

Councilwoman Patterson: It's awkward.

Mayor Jones: It just didn't read write.

Seth Thompson: Looking at the middle of page 15, this is an issue that got some discussion with the Board of Elections. In here we're talking about the registration process, so this isn't the actual voting.

Councilman Kost: Let me ask you a question, my background. It says the person convicted of a crime deemed to be a felony; is that forever? Because if you're deemed to have committed a crime, convicted of a felony, does his time, get's out, he can't vote ever again?

Seth Thompson: Yes, that's what that says, that if you're ever convicted of a felony you lose your right to vote. If something's expunged...

Mayor Jones: It shows up.

Seth Thompson: It does, but you know... I think you get a sentence commuted. You're still a convicted felon, even if they commute your sentence. I think a pardon or an expungement would remove it from your record and, this is off the cuff, but...

Mayor Jones: An expungement doesn't remove it from your record, at certain levels.

Seth Thompson: Right, so it still shows up in SBI.

Captain Cornwell: Actually, when someone expunges something, we have to go through all of our records and remove everything related to their name, so we basically burn it.

Seth Thompson: But SBI keeps it, though, don't they? Somebody keeps those records and the facts that there was an expungement.

Captain Cornwell: They would keep an expungement, but that record of that arrest would go away and the conviction.

Seth Thompson: And, Captain, do you know... I think there was a bill that dealt with it, maybe three years ago, it used to be expungements were only for charges that the person was either found not guilty or they were dismissed or _____, but I think nowadays you can get

expungements of convictions. Is that right, or is it still just charges?

Captain Cornwell: I'm not sure about that. I know we've had charges where people send in and we get the expungement and we have to go through. I've not looked to see if they were actually found guilty or not. I just take care of the process.

Seth Thompson: Okay, so for the benefit of Council and the public, somebody can be charged with a crime, but unless they're found guilty, whether that's by a Judge, a jury, or by plea bargain, a charge is just a charge until it becomes a conviction and so at least my experience was that you used to only be able to expunge charges that were resolved in the Defendant's favor, so if the Prosecutor dropped the case, the case was dismissed by the Judge, the jury found you not guilty; you still would be able to expunge those. I don't know if that's still the case though. The middle of the page for U.S. Citizenship and the way the town process works you guys have your own registration and you maintain your own rolls, as opposed to using the county's and the language here is that the person coming in would need to establish that they're a U.S. citizen. So this is for registration purposes. You only have to register once and you can come in with a passport, naturalization documents, or a birth certificate and this isn't limited to just those documents. So somebody brought up a Social Security card, which goes a long way to establish a U.S. citizenship; I think when we looked it up though, you can be a non-citizen and get a Social Security card.

Councilman Garde: You have to be legal.

Seth Thompson: Right, so the question is whether at the registration level you want to require people to bring in some sort of proof that they're a U.S. citizen. And we looked up the State Code and the State Code just requires people to sign an affidavit saying that they're a U.S. citizen, as opposed to actually bringing in your birth certificate or your Passport.

Councilman Garde: Is that right? I thought this was quoted right out of the...

Seth Thompson: I don't think it is.

Councilman Garde: You have it there.

Seth Thompson: I think it's part of your current charter.

Councilman Garde: You may have cut it from someplace and pasted it there.

Seth Thompson: No, the voter eligibility just talks about...

Councilman Garde: For U.S. Citizenship.

Seth Thompson: It just says people appearing to vote. Now it talks about the identification you need when you appear to vote and this is one of those situations where it says voter eligibility shall be determined as specified within the Town Charter. Some towns allow people with leases to vote; some towns allow non-resident property owners to vote in their municipal elections.

Richard Miller: Using the Passport process, they won't accept anything but a documented birth certificate. You can't use a Xerox copy. It has to be a certified and if you could insert "certified", I think that would allow it to be better defined.

Seth Thompson: In other words, the suggestion is it would need to be a "certified" copy of the birth certificate?

Richard Miller: Yes, that's available through the state. A Xeroxed copy would not be eligible, because it could be modified. I'm using the Passport process.

Seth Thompson: I don't know if we need an answer tonight, but again this is one of those issues...

Councilman Garde: I don't think I have a certified copy of my birth certificate.

Richard Miller: It's written in stone.

Steve Crawford: I just looked it up online. A United States citizen is... There's an exception to the rule.

Councilwoman Patterson: Okay, thank you.

Mayor Jones: Thank you, Steve. Thank you. It just wouldn't read right.

Seth Thompson: Again, this is an issue... The only thing I really care about, as a lawyer, I think the way it's framed and this taken from your current Charter, it would just be better to say that this is required. So, for instance, it's abundantly clear that when somebody comes in to register, they need one or more of the following items to show their identity and their address, so it's the State of Delaware Driver's License or ID Card, a Uniform Services Card, all of those things. The part about citizenship, just says for U.S. citizenship a Passport is an acceptable forms of proof. I just don't like the way that's phrased, but it's up to Council. If that's how you guys want it to be, that they have to prove they're U.S. citizens.

James Wagner: Those are examples, they're not the only.

Seth Thompson: Exactly.

Councilman Garde: But it's not formulated the way it is for registration to vote, shall be one or more of the following...

Seth Thompson: That's exactly right.

Councilman Garde: So the comment is, to conform it, he's recommending we say to demonstrate U.S. citizenship, one or more of the following shall be presented.

Seth Thompson: Exactly. I like that a lot. Have you spent some time with this document?

Councilman Garde: Yes. I don't remember where we lifted this from, but we lifted it from this or the recommendation; not made up of whole cloth. It was pasted from someplace.

Seth Thompson: So it would be to demonstrate U.S. citizenship, a Passport, naturalization documents or birth certificates, shall be examples of acceptable... I really like the declarative sentence. I don't like the... The applicant shall demonstrate U.S. citizenship by providing...

Councilman Garde: With an appropriate document, for example, Passport, naturalization documents, birth certificate.

Mayor Jones: We want to take the recommendation on, even though we don't know the term yet, the certified birth certificate or...

Councilman Garde: I understand the reason for the recommendation...

Richard Miller: Barbara's saying Vital Statistics.

Mayor Jones: Yes, the Department of... That usually comes and I know you're never going to get your original back, but it actually comes signed, it has a stamp on it.

Seth Thompson: Isn't the difficulty what State you're born in though? I imagine...

Richard Miller: Every state has it.

Seth Thompson: Do they? Alright.

Councilwoman Patterson: Every State has it.

Councilman Kost: In New York, I got my Passport through New York City, not the State; I got my birth certificate from the city.

Seth Thompson: Then moving on to establishing identity...

Barbara Wagner: Here's the language for Delaware. "Certified copy of the birth certificate" and it says with the State Office of Vital Statistics or equivalent agency in the individual's state of birth. It's very long.

Mayor Jones: Thank you.

Seth Thompson: So there was a lot of discussion in terms of identity and an address. The reason

it says one or more of the following items that establish individually or together; if somebody has a State of Delaware Driver's License and it says I live in Milton and this is my address and it's a photo ID, it really establishes both; so you only need that one document vs. if you had a military ID card, that didn't necessarily have your Milton address, but you also had your lease, those two documents together establish who you are and where you live. Everything okay?

Mayor Jones: May I just on one, the current Delaware driver's license must have a Milton address.

Seth Thompson: Yes, if they have an address for somewhere else... what's the requirement?

Mayor Jones: Well you have to be careful, because Milton's a very large zip code.

Seth Thompson: It is, so you could be outside of the corporate limits.

Mayor Jones: So your State of Delaware driver's license would have to contain an address within the jurisdiction of Milton.

Seth Thompson: Right. I think you're required to update your driver's license within 60 days, which is our 60 day threshold for living here to vote, right? So I think those things would line up, so that avoids a scenario where somebody moved, hasn't gotten an updated driver's license, but is still eligible to vote. They would have needed to have updated their address by now.

Kristy Rogers: Recently, I had someone question that. They did not want to update their address, because it wasn't expired yet.

Seth Thompson: Yeah, it's a separate requirement under the state. We're not enforcing that law, but in terms of the practical effect, they're violating somebody else's laws, not ours.

Kristy Rogers: But we didn't state that...

Mayor Jones: So there you have something, right there.

Seth Thompson: It's like somebody's speeding on the way to register? Although we would enforce that law, right?

Mayor Jones: Well actually if they've been here 60 days, the officer could walk in and enforce the law. It's a 60 day change your license.

Captain Cornwell: If they're operating a motor vehicle and they've lived here more than 60 days, we can enforce that?

Seth Thompson: Really? Okay.

Captain Cornwell: Yes, there's a Title XXI section in Chapter 27 for that.

Seth Thompson: So it's not DMV regulations, that's good?

Captain Cornwell: No, it's an actual. Chapter 27 which is licensing.

Seth Thompson: Well, that's good.

Unidentified Speaker: Well how would you know?

Seth Thompson: If they came in just the way Mrs. Rogers' was describing; oh no I haven't updated my driver's license. You could say okay, please register here and then walk down to the police station and turn yourself in.

Captain Cornwell: We either find out or a lot of times they're registration will be updated; because it's updated usually every two years or so, depending on the age of the vehicle. So their registration would say one thing and their driver's license another and we'd look at that and be able to take care of that; or if they move from out of state and their registration was Delaware and their license... there are multiple ways to find out.

Mayor Jones: So I think that's an issue and should Council address it, before we move on, on the driver's license, because we obviously have an example already.

Councilwoman Patterson: When I have to sign the kids up for school, for public school, I need

a current State driver's license and I need a current utility bill showing that I live in Milton. You can have a current, like it talks about here, the current utility bill, bank statement, etc., that is current and shows you are actually living in town? No?

Kristy Rogers: But the utility bill can have the town address and it still doesn't mean you live there.

Mayor Jones: That's right.

Seth Thompson: Right.

Councilwoman Patterson: Okay.

Seth Thompson: My feeling is they should comply with the law and update their address within the... is it 60 days Captain? Is that what it is? Yeah.

Mayor Jones: Well, that's very nice, but we're talking about somebody who is using their driver's license as proof of an ID and I agree. You can have a utility bill changed over faster than you can go over your willingness to go over to the DMV and have your license changed. I think it needs to read that it has to have a jurisdictional address on it. I don't want to push anything to the State and this is uniform, but...

Seth Thompson: No, but you could say a current State of Delaware driver's license or ID card, indicating an address within the Town of Milton.

Mayor Jones: In the municipality. Yes.

Seth Thompson: Bearing an address within the town? Okay.

John Collier: Within the corporate limits?

Mayor Jones: Within the corporate limits? Even more precise.

Councilman Garde: Let's conform that to the territorial limits is how we define it up above. Section 2 is called Territorial Limits. Any other questions on page 15?

Jim Welu: Yeah, I wanted to address that voting in person on election day, one must provide identification in accordance with Title XV, Section 7554 of the Delaware Code. How is that different from the identification when you're registering to vote?

Seth Thompson: You only have to register once, that's where they're asking for proof of U.S. citizenship, but you don't need to bring your birth certificate or your Passport when you come into vote. Step One is going to be a little more stringent in that you have to prove you're a U.S. citizen, but on the day of the election, Step Two, you just walk in with a different set. It's more lenient since you've already registered at that point.

Jim Welu: Wouldn't it be clearer if it just said, as noted above 1 through 6?

Seth Thompson: But then you have to bring your birth certificate and your...

Jim Welu: No, there's no birth certificate there; current driver's license, lease, utility bill.

Councilman Garde: I can make a comment as best as I can recall where the recommendation came from. The registration to vote was something that we need to have in the Charter. The identification at the poll, was another one of the places where we didn't want to differ from the Delaware State Code. We wanted to incorporate it whole cloth and we didn't want to have to make a change to that, in order to change our Charter in the event that the identification at the poll, changed in the Delaware State Code. So that's the reason behind it. I think that if we wanted to put it whole cloth in here, we could do that; but the registration, as I recall, is kind of up to the Town of Milton. The identification at the poll is to comply with the Delaware State Code, so the drafter's drafted it the easiest way to not deal with what to present as different from what to present to register.

Jim Welu: Okay. My only comment would be then, why not spell out what the Delaware State

Code says, rather than refer to it, so that the average citizen looking at the Charter, they would know what they have to have. They wouldn't have to go and search the Delaware State Code. I just find it very difficult in reading a lot of these things where you refer to the Delaware State Code. I don't know what it says. You've got to do a lot of research to find out what the document says.

Seth Thompson: The Delaware State Code is online, but...

Jim Welu: Seth, not everybody goes online these days. Some of us are old.

Mayor Jones: Mr. Welu, if I may, part of the issue that we've been discussing here tonight is if Title XV, Section 7554 of the Delaware State Code changes, we have to turn around and change this Charter.

Seth Thompson: Right, so just let's use and I think I used this at the Board of Elections, if retinal scans became very commonplace and the Delaware State Code was changed to say yes you can do a retinal scan when you're going into vote, we wouldn't have that in our Charter, so we'd end up having to change, which is why it's just easier to reference the Delaware State Code, so when they change the Delaware State Code it automatically changes our Charter.

Jim Welu: Is it possible they'll change the number of the Delaware State Code and then this still won't reflect what the Delaware State Code is?

Mayor Jones: Anything is possible.

Seth Thompson: It certainly is possible. They rarely change... every once in a while a section gets added, but when you see in the Delaware State Code if it says 7557A, it's because they stuck another section in there. They almost never do some wholesale renumbering of sections of the Delaware State Code. It does happen, on occasion.

Jim Welu: Still for the average citizen, couldn't you put the Delaware State Code 7554 and then in parentheses what that currently says?

Mayor Jones: You just used the word currently says and when it doesn't say that anymore, our Charter is also not current. It's a relative term.

Jim Welu: If you could still spell it out and it would change when it changes.

Mayor Jones: Thank you.

Seth Thompson: Perhaps the solution... Just so people know, by the way, the language that's in the Delaware State Code is really exactly what's in our registration, 1, 2, 3, 4, 5 and 6; so the only real difference between what we're requiring at registration vs. what's required... I shouldn't even say what's required, but what can be used on the day of voting, is the proof of U.S. citizenship. That's really the only difference here. But the reason we say all of this, when it comes to registering is because the Delaware State Code says voter eligibility shall be as specified within the Town Charter and the town's can have their own registration.

Mayor Jones: Okay, I have a question for Council participant's. It's just a couple of minutes now before 9:00. I don't know how long everybody wanted to stay, whether or not you'd like to see this through to the finish of this section; whether or not you just want to go on. What is Council's pleasure?

Councilman Garde: Because of who's here and everything else, I would like to get through this section, but I also want to go home. So if the rest of the Council wants to go home, I'm not going to vote against it.

Mayor Jones: We are almost finished page 16 by my calculation and some careful renumbering. Do we want to go ahead and see if we can finish this section?

Town Council: Yes.

Mayor Jones: Okay. Alright.

Seth Thompson: If I can make one other suggestion, if somebody is here that has a specific question and we're not going to get to it, if they want to raise the issue now, we won't discuss it, but if they want to raise it, that actually might be helpful, that if it's something that requires research? I'd love to be able to do that and give a much more thorough answer, rather than next time potentially having to say I'll get back to you.

Unidentified Speaker: There are actually a number of us, I think, that wanted to jump ahead to this issue of the Town Manager, changing titles. We've been patiently watching you and made the effort _____. It would be helpful if we had the opportunity to speak.

Councilman Garde: And we also have a written document from one Primo Tokafondi. I have it. I don't know if everyone else has it, but it also is a recommendation to put some requirements in for minimal qualifications in terms of education and training for the position that is currently drafted as Town Administrator and that some people have some comments on. Maybe it would be better to just stop where we are and let the town folks have their say and then...

Mayor Jones: I think we should finish Section 7 and then I believe we won't jump ahead to those sections tonight, but we will take those comments.

Councilman Garde: We'll take the comments. Sure.

Mayor Jones: So let us finish this bit. We are now on relettered I at the bottom of page 16, correct? Okay. No changes there.

Seth Thompson: Now looking at page 17, rather than on the computer, which sounds very old; it has an electric back-up now and so in the middle of the page and Kristy could speak to this much better than me, but there's been an issue in terms of we don't have a process for cleaning up the book of registered voters. So that's where the "unless removed as provided hereunder" comes in and then you see that the Board of Elections can sit for that purpose. Then there's a process whereby they're given written notice, via certified mail, at least 30 days prior to the meeting, that their name could potentially be removed from the roll.

Mayor Jones: I've looked at those registered voter rolls prior and wonder what criteria the Board of Elections will use as they consider the removal of the names. There are those who have been deceased, that's certainly public notice; have moved; all kinds of things and yet, I don't read what the criteria is that they are able to use. And I think that's hindered this process for a long time.

Seth Thompson: So potentially, the suggestion could be to add examples; not by way of limitation, but rather where there is a valid reason to believe a person is no longer a duly qualified elector, such as death, relocation, conviction of a felony, I suppose. Something like that. So in other words, there's some guidance there.

Councilman Garde: You could take the requirements and say anybody who doesn't meet the current requirements, which is rather than repeating it all, I don't want to defend language, because I'm not in the business. We're open to making anything that makes it clearer, but you would remove if there is a valid reason to believe they're no longer a qualified elector, means they don't meet the requirements; maybe you could say as specified in Section blah, blah, blah, which tells you what you have to be and then if you're no longer one of those, you're out.

Mayor Jones: I don't believe it says you have to be alive.

Seth Thompson: So is the concern more what constitutes a valid reason to believe that? I think the basis for removing somebody is going to be pretty clear. It's a question of where are you getting your information?

Mayor Jones: We have a number of deceased individuals on our voter list right now...

Councilwoman Parker-Selby: When I ran for this position, I saw at least 8-10 people who were deceased many years ago, so I thought to myself, who's keeping the books here?

Mayor Jones: Administrations ago. Right.

Councilwoman Parker-Selby: I'm sure that may be, because you guys really wouldn't know. So that would be good to add, I would think, if someone is deceased, or moved. I know some people who have moved, that were on there and I don't think it's changed yet and you wouldn't know unless a family member or someone said something about that. I like the idea to give the example.

Seth Thompson: And that's fine. I think we can do that. I have a feeling that somebody being deceased is going to be the most common. I suppose relocation, but I gather that might be a little bit... Well, I don't know.

Ginny Weeks: I just wanted to tell you my experience when I first moved to Milton. We were waiting for our house to be built and we were living on Chestnut Street and like a good little town person, I went in and I registered to vote and I voted and I didn't live in Milton. So I think it's also important that people come in in good faith and they go and register because they live at 727 Chestnut Street and it wasn't in town and nobody in town caught it. So you might have every time somebody registers, what streets and what numbers it goes to.

Mayor Jones: And check it against tax parcels if you're able, so there is a check system.

Councilman Garde: So you were living in the gerrymandered portion of Chestnut Street?

Mayor Jones: I do remember a previous Town Manager saying well we can't remove them because we have no method to remove them.

Councilman Garde: We don't need a death certificates. What I think the drafter's didn't want to get into is, is proof positive. If people are sure that you've left town or you're dead, you went to the funeral, that's enough. It wasn't going to be a big paperwork exercise, it was going to be a general knowledge exercise. So putting some examples in...

Mayor Jones: It does indicate though that they will be notified of the decision. Now, of course, that's a no brainer when they're dead, but if there's a question of whether or not they've moved, that could be a challenge and it was added.

Councilman Garde: And you afford the voter the full right to be heard at a meeting.

Mayor Jones: I guess my question is, how do you expect them to be notified of the said decision? Not to dead people. Respectfully, the people that you're identifying that you believe have moved. Because it says here, you'll be notified.

Seth Thompson: Right, they have to be notified and they need to be notified ahead of time, as well as notified of the decision, so there's really two notices that go out. You're going to have to go off of their last known address, but it's kind of like anything when it comes to trying to find somebody. You're going to look at the town tax records and if they owned property, you'd probably look at the deed to see if they sold it and see what the address was on the transfer tax affidavit. I think you'd probably look online. That's what we normally do whenever we're trying to track somebody down to serve them for any purpose, I'd say.

Mayor Jones: And just to make sure, it says a properly noticed meeting with the right of appeal in all cases. We have a process for that right of appeal and exactly who will be hearing that?

James Wagner: Why wouldn't the certified letter going to the last known address, which is most likely their registered address, include a date when all the appeals would be heard at a meeting, for everybody? They don't have to have their own meeting.

Seth Thompson: Right. I think that's the intent, but that's why I said at least 30 days before the meeting.

James Wagner: But it's just one notice, that you're being dropped from the rolls and your meeting date, if you wish to appeal is whatever that is.

Mayor Jones: And you used the word "certified", but that is not dictated here.

James Wagner: Whatever is in there.

Seth Thompson: It is. Do you see the first giving written notice should be sent by certified mail at least 30 days prior to this meeting.

James Wagner: Certified mail it says.

John Collier: If it please the Council, when you send certified mail, if it is forwarded when you get your return on it, it states on it that it's been forwarded to a new address. If they're unable to deliver, you get it returned to you that it was unable to deliver; so the certified mailing answers a lot of questions about the validity of that person still being a resident of the Town of Milton.

James Wagner: Of course, they could be a resident who's living in Florida for the winter and having their mail forwarded.

John Collier: Exactly, but that's when they get the notice to let us know.

Councilman Garde: It would be forwarded.

John Collier: In combination with your suggestion, Sir.

Mayor Jones: So this is the one we're sending certified mail, giving them the opportunity to appeal. What is this where we are sending them notice that they are being considered to be removed from the voting roster. That's a second mailing?

Seth Thompson: As I read it now, I think the thought process is the Board has a meeting. It considers whether they know if there's a valid reason to believe somebody's no longer qualified and then they send that decision to the person and notify them that they have the right to appeal to the Board? Was that the... So the appeal doesn't go to Council or somebody else, it goes to the Board of Elections. Okay.

Councilman Garde: I think the intention was a single notification. A dual notification just seems cumbersome. So maybe we don't need the blue. I can't remember why the Committee recommended and suitably notified of said decision. If you have fully heard, properly noticed meeting and believe the person is no longer qualified...

Mayor Jones: I think the first blue isn't necessary.

Councilman Garde: I think you're right. The first blue and suitably notified, where you'd say first giving written notice sent by certified mail at least 30 days prior. I'm going to recommend deleting "and suitably notified of said decision", the blue terminology.

Seth Thompson: Everybody okay on 17? Eighteen is straightforward. It's just expanding out the reference that exists to the Delaware State Code and then Mayor and Town Council and Town Council and then at the end is a correction to a cross-reference. So that's the end of that section.

Mayor Jones: Anybody on Council, between one and seven right now, otherwise, if you will, in order, come on up the microphone and give us a chance to take some notes. Please keep in mind that three minute piece, if you would, please.

Don Shandler, 202 Grist Mill Drive: Good news for the Council, my parole officer wouldn't let me out of the house, bringing handouts, so what you see is what you get. Essentially, I'm very appreciative of the work that the Charter and Ordinance Review Committee has done, the Council is doing and I shared with Kristy, before the start of the meeting that my comments are in no way are a reflection of what she's done or is doing. I think she's terrific, but I believe very,

very strongly to change and move away from the Town Manager and Clerk to the Town Administrator and Deputy Town Administrator, would be very, very inappropriate for a number of reasons. I've done a lot of research, four or five different states and the State of Delaware, just one point is in of the 24 incorporated municipalities in Sussex County, 19 have Town Managers. That's one of the most commonly acceptable and recognized terms and to conjure up a new set of terms, I think would do everyone a disadvantage. My three points are real brief and I'd be glad to come back at another time and share other things with you at your discretion, but I do think there's a difference between a manager and an administrator. I'm saying that having been both in a wide variety of organizations, being a full faculty member at University of Maryland, School of Business. Some of these are perceptual, some of these are actually functional. A manager today, if we're looking for managers, leaders, they look beyond the every day. They're a visionary. They're bold. They're creative. They're entrepreneurial. And they are looking over the horizon for opportunities. Another characteristic is in many cases an Administrator has the responsibility of daily operations, keeping the ship going forward. I would also argue that a Manager, is almost like a fund raiser, a public relations expert. They build and develop relationships, up, down, across the state and the country. I would say a manager is also an administrator and a leader. I would argue that in most cases an administrator could be a manager and has managerial functions, but more likely than not, is not in a leadership role and I think our town needs leadership. Second point, contrary to the argument that we can't afford to have a Town Manager, it's not financially sound; I would argue just the opposite. A Town Manager, not only manages existing appropriated funds, but an increasingly important role is the ability to develop external funding sources and you need a proven track record in that. That's not an internship. You need somebody who can demonstrate they've done that. I think the absence of a Town Manager is a lost opportunity to me. I'd be willing to be in the seven years that I've been here, if I could go back and look at opportunities the town has and missed, it's been because we haven't had the leadership and we haven't had a professionally trained Town Manager. I think it's very important to address. One other example, the lost grant opportunity, was a classic example. The fact that Ryan and NV came and went in the town, with no one trying to look at that and to try and maintain a relationship with them. Not doing exit interviews. That was lost money, lost opportunities. My third and final point is, I perceive and Judy and I have lived in small towns, big towns, throughout the country, a Town Manager to me is a Chief Executive Officer. Mayor's are elected for periods of time, with their own preferences and biases. Council people have many conflicting things with their time and schedule and obviously this Council has done an excellent job, but a Town Manager has to have extraordinary credentials. If I could write a description for one, which I've done, they have a true and proven track record as a Town Manager. Several years doing the job. They have a proven track record of identifying and sustaining external funding sources and they also understand what public management is. Somebody said well anybody could be a Town Manager. Public management and public administration is one of the fastest growing degrees in under-graduate and graduate schools. It's not something you play with. You need to be professionally educated. So my concern is that I think that Milton is in an excellent position to move forward, changing to these titles, which are, to me almost obscure and it's a throwback 10, 20 years. I think it's a setback to the town. I go to many conferences and if somebody came up to me and said I'm the Town Administrator, I would say great to meet you. Is your Town Manager here? There are perceived and real differences in it. So my argument is this is the time

for Milton to move forward and you're only going to move forward with an excellent Council and an excellent Mayor and a professionally trained, educated, experienced Town Manager. Thank you.

Ted Kanakos, 106 Broad Street: Just a quick note. I had a discussion with a member of Council recently and they doubted that there was even an educational structure at universities which would offer something in Public Administration. They more or less decried the need for a Town Manager and didn't think there was really any formal training. I downloaded from the internet, 41 states, 316 certified programs for Public Administrator's; Harvard, Princeton, Johns Hopkins, really effective; this is the real stuff. These are the people with degrees that you hire, who are qualified in numerous areas and well trained. I want to submit this to the Town. Maybe they could look it over. Thank you.

Ginny Weeks: I just want to say that any town that I have ever been in, where they have gone forward, they've had a strong Town Manager. Council sets policy and the Town Manager manages that that policy be done and the Administrator does the day to day work of making sure it gets done. You need everything that the two people before me said and we need it. Milton is going to be in the throws of major changes. Something's going to happen on Route 1 and whether you like it or not, it's going to affect us, because they're not going to want to go up Route 16 and they're going to go through Mulberry, they're going to go through Union Street and at the same time, we would like to use some of the people going there, to come and see us as an alternative, different type of place. I don't want to be Lewes, but what I mean is they have the chance of walking around a nice little town, like Lewes does to Route 1; Milton could do the same sort of thing and I would hope that would happen. The other thing I wanted to ask you is, I noticed when I was looking at the Charter, there isn't an Index. I'd be happy to give you an Index and that perhaps when you're having these meetings, you could say which sections you're going to address. Do you know what I mean? Tonight you did Sections 1 through 7 and people came here to address what was in Section 18 and you might have saved a lot of time had we known you were going to address only certain sections; just a suggestion.

Mayor Jones: Well the process for addressing the entire Charter, just had to start at page one. There's no rhyme or reason, just everybody being on the same page, at the same time.

Ginny Weeks: Right, exactly and that's what I was trying to get at is that people here would have been more on the same page had they known that we were going to do only this much and it's a time thing; everybody gets tired and you have to go home, so you're not doing things silly. So please do the Town Manager and also a Town Clerk. You can answer. Why do you have to have a certificate to be Town Clerk?

Kristy Rogers: [Unintelligible]

Ginny Weeks: Right and so why would you do away with the Town Clerk position for a Deputy Town Administrator who doesn't have those qualifications? Thank you.

Dr. Michela Coffaro: Due to credentialing, it took me 30 years. The first question I asked was what is a Town Administrator? Page one. And that would have been the thing to address first. Page one, Administrator. If you're going to change the entire administration of a Town Manager's responsibility, that would have been the first thing to talk about. Thank you.

Mayor Jones: Anybody else? I'm going to take just a really brief moment to address Don Shandler. Just something I heard. I continue to hear it. It needs to be said. The Downtown Development District application was not a grant application, if that is what you were referring to and it carried no money value with it. It was the first step of a designated district. If we had

received the award for that, that district and it's developer's, it's inhabitant's, but never the Town of Milton could then have become eligible for grant money; but the application itself, just so you understand, contained no money value.

Don Shandler: One of the problems there was not a designated person that had the responsibility for that. That was a Town Manager.

Mayor Jones: I won't argue the responsibility falling here, but I'm arguing only to say or to clarify, Milton did not lose out on \$7 million, which is also what I've heard, just a clarification. Anybody else? Anything else.

9. Old Business: Discussion and possible vote on the following:

- a. Resolution 2015-004 to schedule a public hearing for the proposed amendments to the Town Charter

10. Adjournment

Mayor Jones: Then I need a motion to adjourn.

Councilman Garde: So moved.

Councilman Côté: Second.

Mayor Jones: Any other discussion? All in favor say aye. Opposed. Motion carried. Meeting adjourned at 9:22 p.m.